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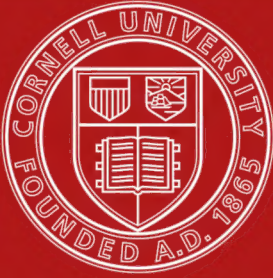


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## PREFATORY NOTES TO EIGHTH VOLUME.

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The most surprising thing, however, about the war of the Regulation, perhaps, is not that it began and had its being, but that it was so ruthlessly stamped out by North Carolina troops, especially that this was done by the people of the Eastern portion of the Province, a people whose own garments already reeking with local rebellion and insurrection of every hue and grade, were, in less than half dozen years, to be red with rebellion on a continental scale. Fresh from the Stamp Act rebellion, in which the leaders of the forces against the Regulators had been leaders against the Crown, they were rebels by habit and by descent. Rebels themselves, and the sons and grandsons of rebels, they hesitated not to use force when to them it seemed expedient. But neither the best nor the wisest people are always consistent. In 1789, when Tennessee had come to years of discretion and desired to set up for herself, for very good and sufficient reasons, her nursing mother stood ready to force her back to her old allegiance at the point of the bayonet, and this, although the blood was scarcely dry that she had spilled in securing her own separation from Britain.

This course was probably due to three causes: 1st. The isolation of the two sections; 2d, the difference in their conditions; 3d, the game of diplomacy between the Eastern leaders and Tryon.

1. By its settlement the territory of the Province was practically divided into two sections, one long settled and the other freshly peopled, separate and distinct in population, religion and material interests, and they so remained for many, many years. Indeed, our people did not become thoroughly unified until, having endured in common the hardships and braved the dangers of the late war, they began to suffer in common the oppressions of reconstruction, more intolerable, perhaps, than the hardships and dangers of civilized warfare. Remaining thus separate and distinct, each adhering to its own traditions, habits of thought, speech and action, the people of one section knew little about the other.



It must not be assumed, however, that there was lack of sympathy in the East for the people of the West during the Regulation troubles, for Tryon found great reluctance on the part of the Craven militia to join the Alamance expedition; and in Dobbs, too, Caswell's own county, there was serious trouble. There was trouble, too, in Johnston County, and in Pitt; Edgecombe, too, was very loth to send troops; and there were no troops at all at Alamance from the Albemarle section. In Bute County the regiment, some 800 or 900 strong, when called upon for fifty volunteers, broke ranks without orders and declared themselves on the side of the Regulators. Nor were the Legislatures by any means hostile. That of 1768 declared against the further collection of the sinking fund tax, and that of 1769, brief as it was, denounced the extortioners most roundly, while that 1770-'71, the one that passed the Johnston Bill, as if it was thoroughly aroused at last to the great emergency, covered the whole ground almost, it may be said, of remedial legislation, thereby justifying Iredell's assertion that it was of "regulating principles." It enacted laws to regulate attorney's fees; to regulate officers' fees; to direct sheriffs in levying executions; to authorize the Inferior Courts to establish tobacco warehouses wherever needed; to prevent the collection of the sinking fund tax, and for the more speedy and cheap collection of small debts, remedial legislation that, had it been enacted in 1769, would have caused the Regulation troubles to subside, just as the Stamp Act troubles subsided upon the repeal of the Act that gave rise to them. It must be remembered, too, that when the Council in 1768 desired to give the government power to find and try indictments in any district it might choose, no matter where the offences were committed, the Assembly indignantly, it may be said, refused to assent thereto, saying the proposition was not only foreign to the bill then pending, but was "expressly contrary to the sentiments of the Assembly."

It must be remembered, also, that as late as February, 1771, the Grand Jury for the Newbern district refused to find a true bill against Husbands, then and there sought to be indicted for libel

and that no bills were found against any one until in March, when a new term of the Court was had with a packed jury. But while all these things are true, the fact remains that the grievances of the people of the West were permitted to continue, and that redress for those of New England was promptly sought.

What sufficient explanation can there be of this that does not recognize the fact that, owing to the long existing coasting trade, the intercourse between the East and Boston was greater than that existing between the East and the new-comers of the West? The Albemarle section then, as now, traded with Virginia; for then, as now, all roads in Albemarle led to Virginia. So, too, as to the Pamlico, Neuse, and Cape Fear settlements; the people there also were isolated, only in less degree, from their fellow subjects in the interior, their usual journeyings to the interior, even after the present century began, extending no further upland than the hill country about the lower falls of the rivers, some 100 miles or more from the coast, whither they went to escape malaria. Doubtless, too, on the other hand, on the memorable 20th May, 1775, there were scarcely more than a dozen men in all Mecklenburg who had been East of those falls, including those who had been to Newbern as members of the Legislature.

It must be remembered, too, that there was no printing press in the State until 1749, and that before 1775 the only newspapers were the *Gazette*, begun in 1749, at Newbern, and continued till the Revolution, with the exception of about thirteen years, those between 1755 and 1768, and the *North Carolina Gazette*, begun in 1763 at Wilmington, and discontinued in 1767, but followed by the *Cape Fear Mercury*, in the same year, which continued to the Revolution. With the mail facilities of those days, those little sheets (for they were of the very smallest size) had but little circulation anywhere, and none at all, it may be said, in the interior. The legislative journals and enactments from time to time were indeed printed, but only in pamphlet form, and in numbers about sufficient to supply the members of the Legislature. In 1771, when the act under

which Tryon made his Alamance campaign was passed, there were twenty-nine counties and seven towns entitled by law to representation in the lower House of the Legislature. The upper House was not a representative body at all, but consisted entirely of the members of the Governor's Council, who were his appointees. Of the counties and towns thus entitled to representation, five of the towns and twenty-one of the counties were Eastern and six of the counties and two of the towns were Western. There were eighty-one delegates in all to the lower House, and of these the East sent sixty-seven and the West sent fourteen, and all this in spite of the population in the West. Considering the small number of representatives and the great number of constituents in the West, this was not a very promising source of information or medium of communication between the sections, and so, while the old East had no means of learning anything about the new West, the new West was equally without the means of learning anything about the people of the old East.

If the same causes and provocations that led to the war of the Regulation, to-wit, a system of unequal and unjust taxation, the oppressions and extortions of county officials and the collection of unlawful taxes, all bad enough anywhere in themselves, but rendered insufferable in the interior by the lack of a circulating medium with which to pay taxes and fees, satisfy executions, and carry on business generally, had existed in the East to the same extent, the result there, too, doubtless, would have been insurrection. They did not so exist, however, notably, as we have seen, by reason of the warehouse system and its happy incident of inspectors' notes, and the sufferings of the people of the West were tolerated by the people of the East, seemingly at least, while the sufferings of their fellow-subjects to the North of them, at Boston, for instance, speedily excited them to the very highest pitch. It was an Eastern hand, that of Samuel Johnston, that prepared and presented the bloody bill that gave Governor Tryon authority to prosecute the war against the Regulators. It was the East that sent General



Waddell and Colonel Caswell to Alamance to subdue or slaughter the men of the West, and it was to Waddell's camp that Governor Tryon, by public proclamation, ordered Regulators to be brought, "dead or alive."

And yet, if ever a people were estopped by their record from condemning, to say nothing of punishing, the use of force in putting an end to official oppression, it would seem to be that same people who belonged to the coast-line settlements. Let us recapitulate what has already been stated.

Under the rule of the Proprietors, resort to force and violence was, it may be said, a common occurrence, almost the habit of the country for many years. Under royal rule, scarce a decade passed that did not see the people up in arms to redress official grievances. Indeed, at a very early day they came to the opinion, subsequently expressed at Hillsboro, in 1788, to-wit, that "the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive to the good and happiness of mankind," and, what is more, they acted upon it whenever occasion required.

The first outbreak under royal rule was brought about by the attempt of Governor Johnston to force the people to bring their rents to the collectors at places designated by the Government. Owing to the lack of a sufficient currency, at a very early day laws were passed making these rents payable in produce and collectable on the premises. The trouble began in 1735, and in the year 1737 the people, thinking forbearance had ceased to be a virtue, began to resort to force. In that year, at the General Court at Edenton a man was imprisoned for contempt of Court, but the people of Bertie and Edgecombe, which latter county then covered substantially all the settled territory to the Westward, hearing that he was imprisoned for refusing to deliver his rents at the appointed place, rose in arms to the number of 500 and marched on the town, intending to rescue the man by force from the Court, in the meantime cursing the King and uttering a great many rebellious speeches. When within five miles of Edenton they learned the truth, and that the man,

having made his peace with the Court, had been discharged from custody. The crowd thereupon dispersed, threatening, however, "the most cruel usage to such persons as durst come to demand any rents of them for the future." This was the account of the affair the Governor himself gave, to which he added a declaration of his inability to punish them if they carried out their threats. The trouble did not end here, nor for several years.

In 1746 this same Governor Johnston attempted to deprive the old counties of the Province of their immemorial right to send five delegates each to the Assembly, and issued writs of election for only two members to the county. The result was that the old counties refused to regard his writs of election, and when they voted, each voter put on his ballot the names of five men already agreed upon, and the sheriffs so returned. The Legislature thereupon declared the elections void. But the people would vote in no other way, and in consequence the old counties for eight years were not represented in the Assembly, and not being represented, refused to pay taxes, or to do any other act that recognized the authority of the Assembly. The new counties that sent only two members, seeing what the old ones were doing, said it was not fair to make them bear the whole burden of the Government, and they, too, refused to pay taxes. And this was the condition of the Province for eight years, at the end of which time representation was restored.

The good Bishop Spangenburg, who passed through these counties in the fall of 1752, six years after the trouble began, on his way from Pennsylvania to the up-country to locate lands for the Moravian settlement, as we have seen, gives a desperate account of affairs. "Anarchy," he said, "prevailed; the people would not acknowledge the Assembly in any way; no criminals could be brought to justice; though such crimes as murder and robbery were of frequent occurrence, for if the General Courts were opened no jurors would attend, and if any one was imprisoned the jail was broken open and the prisoner released, and, in short, most matters were decided by blows.

The County Courts, however, were held regularly," he said, "and all matters under their jurisdiction received the customary attention."

This trouble had not ended before a new one was well on the way. This came about from the setting off to Lord Granville, by metes and bounds, his one-eighth part of Carolina, wholly in North Carolina. This was done in 1744. In a few years Granville's agents became great oppressors. Matters continued to go from bad to worse until the beginning of 1759, when the people again resorted to force. On the 24th January, 1759, a number of men, variously estimated, from Edgecombe County, which then included the present counties of Halifax, Nash, and Wilson, went to the house of Corbin, Granville's chief agent, near Edenton, seized and carried him to Enfield, then the county-seat of Edgecombe, and obliged him to give a heavy bond to return at the following Spring Term of Court and disgorge all the fees he had unjustly taken. The Attorney-General, too, was unhappy, and made oath that he had heard that a great number of the "rioters" intended to petition the Court at Granville to "silence him," and if this was not done to "pull him by the nose and also to abuse the Court." During this time, also one Haywood, a subordinate of Corbin, who had been absent, returned home and died suddenly and was there buried. The people thinking the report of his death was a falsehood concocted and spread abroad to prevent his prosecution in the Court, went to his grave in a body and dug up and inspected his remains. Finding the man was really dead, the people went home without further disturbance. In time a few of the "rioters" were arrested and put in the jail at Halifax, but on the next day their comrades, having learned the fact, went to the jail in open day, broke down its doors and released the prisoners.

Then came the Stamp Act trouble in which, as we have seen, the Stamp Masters were forced to swear at the court-house doors that they would have nothing to do with the stamps, and Colonels Ashe and Waddell having called out the militia of the Cape Fear District to the number of some 700 men, made Tryon, the new Royal

Governor, a prisoner in his own house, and forced the Royal sloop *Viper*, which had seized several vessels for want of stamped paper, to release them, and to agree to stop such seizures for the future, and there was neither disguise nor concealment about any of this proceeding, but everything was done in broad open day by men perfectly well known, and in the very presence of the Governor, as it were.

Our records show indisputably that resistance to oppression was at the bottom of each one of these troubles, and that in every case violence was resorted to. These events, covering so many years and such a wide extent of territory, and coming so close together, one following directly upon the heels of the other, are not to be viewed as separate, casual, sporadic, isolated outbreaks, but as a connected series, similar in their nature, akin indeed both in origin and development, like causes producing like results. Their history, like that of events generally in the colony, shows indisputably that the people of North Carolina, when occasion required, were quite given to force and to violence, though not mere lawless rioters who loved strife for strife's sake and preferred violence to peaceful measures. On the contrary, there was much method in their madness, and cool, deliberate system in their force. Each one of the troubles mentioned exemplifies this, the Rent trouble, the Legislative representation trouble, the Granville District troubles, or the Enfield riots, as they were called, and the Stamp Act troubles.

And yet, with all this record back of them, in the very next trouble, that is to say in the war of the Regulation, a trouble that in the beginning was contemporaneous with that caused by the Stamp Act, those same Eastern people rode rough-shod over their Western brethren, killing some in heat of battle, hanging others in cold blood, ravishing the homes and plantations of some, and confiscating those of others, for forcible resistance to oppressions not a whit less grievous and unlawful than those to which they themselves, the vaunted "Sons of Liberty," with arms in their hands, in open daylight, had so recently and so defiantly refused to submit,



even from the King of England himself. And only three years later, in 1774, those same Eastern men loaded their own vessels with provisions, openly gathered for the purpose, after public proclamation to that end, and sent them to New England free of all cost, even that of transportation. The cause of Boston against England was the cause of all, they said. But, as we have said, neither the best nor the wisest men are always consistent.

2. The condition of the Province, too, doubtless had much to do with the attitude of the East toward the Regulators. The Province had neither gold nor silver, and naturally enough, for it had neither mines nor mints, and the balance of foreign trade was not in her favor to such an extent as to bring coin here from other countries. The only currency, properly so called, in the Province consisted of paper notes issued to meet appropriations voted by the Legislature, principally during the administration of Governor Dobbs. Every year a portion of these notes were called in and burnt in sight of the members of the Legislature, and another portion in the shape of taxes for the expenses of the government. When Tryon took charge of the government these notes amounted to less than £70,000, whereas, according to the Governor, three times that amount would not have been sufficient for the business of the Province; and as for specie, he said there was not enough to have paid the taxes levied by the Stamp Act for one year. The natural remedy for this state of things, it would seem, was the issue of more paper money, under proper limitations, by the Government; but in its way stood an act of the British Parliament, passed through the influence of the British merchants, forbidding the Province to issue paper money.

3. The advantage that this state of things gave Tryon can be readily seen, an advantage that he was not slow to use, and one that was doubtless very grateful to him, for the outlook on his arrival, and for some time afterward, was not very propitious. He reached the Province in October, 1764, not long after the resolution of the British Parliament asserting its right to tax the Colonies was adopted. Dobbs died on 28th March, 1765, and Tryon assumed the

reins of government, and thereupon his troubles soon began, for by this time the Stamp Act had become a law. The Legislature met on 3d May, 1765, but in such a temper that he deemed it expedient to prorogue it after a two weeks' session, nor was there another session until notification was received of the repeal of the obnoxious Act, a period of near two years. In this time, Tryon had ample opportunity to learn something of the temper of the people over whom he had been sent to rule. He had seen the stamp officers seized in open day by the people and forced to swear they would not discharge the duties of their offices; he had seen the militia of the district in which he lived assembled in open defiance of his authority to resist the execution of the Act, and himself a prisoner in his own house and in their power; he had seen the King's sloop-of-war in the river compelled to choose between actual starvation and a pledge from its commander to cease any further attempt to execute the hateful Act; he had seen commerce restored to freedom, and vessels coming and going without stamped papers, just as if no Stamp Act had been passed. Diplomat by nature, as well as soldier by profession, he was capable of acting with great prudence, and even dissimulation, as well as great firmness. The result was, he changed his tactics and substituted diplomacy for force, a course upon which the Province was quite as ready to enter as Tryon. Tryon needed the co-operation of the Assembly to secure the appropriations and laws he desired, and the Province needed, and needed very much, the co-operation of a Governor who had influence with the authorities in England. The Governor was very free with promises to use his "influence and interest in England" to secure the approval there of the legislation so necessary to the prosperity of the Province, especially in this matter of the currency, and the Assembly, on the other hand, gratified him with appropriations for his pet projects. To get what the Province needed, the Assembly was willing to pay the price the Governor demanded in the shape of appropriations. And so they went. But the trade was by no means a fair one, for while the Legislative appropriations were realized upon at

once, the Gubernatorial promises went to protest and proved worthless; and so in the game of diplomacy his Excellency came out winner, and the Assembly for all its appropriations got nothing save broken promises, promises made doubtless only to be broken.

Tryon's supposed influence at home seems to have been his principal if not his entire stock in trade. That he unduly magnified that influence is now apparent, for not one of the currency bills became a law. And yet, so strongly did he impress himself and the value of his home influence upon our ancestors, that, even after he had left the Province and had taken upon himself the government of New York, our Assembly appealed to him, in contempt, as it were, of Governor Martin, to secure the approval of a bill for the emission of additional currency, and that, too, in spite of the fact that he had never, during his whole administration here, secured the approval of a single bill that would not have been approved without his solicitation, and in spite of the fact that he had added near £80,000 to the debt of the Province during the seven years of his administration. And thus the game of diplomacy, in which Tryon's supposed home influence was freely staked on the one side against actual, tangible provincial appropriations by the Assembly on the other, was carried on.

This is the only sensible solution of the events of that period. In justice, however, to our respected ancestors, losers though they were in the game, it must be said that the stakes were well worth playing for, and that, had they been the winners, the money they ventured would have been well expended in view of the benefits that would have accrued to the Province. If Tryon, to use the modern slang, could have delivered the goods, that is to say, could have secured the approval of a law to increase the currency to a reasonable extent, the appropriations for the palace and for the Cherokee boundary expedition would have been expenditures wisely and economically made. But he did not, and could not, deliver the goods; and so not only were those first appropriations of money wasted, but the Assembly got into the habit of throwing good

money after bad, until finally it found itself entirely under Tryon's control, save in the matter of direct provincial taxation by the British Parliament, and even in that regard, when, in 1769, it asserted its wonted spirit and independence in a series of resolutions that caused the immediate dissolution of the Assembly, that body took occasion to be as mild as a sucking dove, personally and officially, to his Excellency Governor Tryon.

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But it is the end that proves the work. Of the forty-seven sections of the State Constitution adopted in 1776, thirteen, more than one-fourth, are the embodiment of reforms sought for by the Regulators. And yet, though many men have maligned the unhappy Regulators, no man has dared to reflect upon the "patriots of '76" who thus brought to such glorious end the struggle the Regulators began and in which they fought, bled and died. The war of the Regulation ended, not with the battle of Alamance in 1771, but with the adoption of the State Constitution in 1776.

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It would be doing grave injustice, however, to the Regulators to omit special reference to two of their papers, setting forth as they do in detail the grievances under which they labored and the remedies they proposed therefor. The papers referred to are the petitions of the people of Anson and Orange and Rowan to the Legislature in 1769.

The people of Anson complained that while the Province labored under general grievances, the Western part thereof labored under particular ones, "particular restrictions," so to speak, which they claimed the right to make known under the English Bill of Rights and the Act of Settlement of the Crown. Accordingly, they begged leave to lay before the Assembly specimens of the grievances under which they labored, that its compassionate endeavors might tend to the relief of the people, whose distressed condition called aloud for aid. The alarming cries of the oppressed, they said, "possibly may reach Legislative ears, but without their zeal how shall they ascend

the throne, how relentless is the breast without sympathy, the heart that cannot bleed on a view of the petitioners' calamity; to see tenderness removed, cruelty stepping in, and all their liberties and privileges invaded and abridged by, as it were, domestics, who are conscious of their guilt and void of remorse. O, how daring! how relentless! whilst impending judgments loudly threaten and gaze upon them with every emblem of merited destruction."

A few of the many grievances specified were as follows:

1. That the poor Inhabitants in general were much oppress'd by reason of disproportionate Taxes, and those of the Western Counties in particular; as they were generally in mean circumstances.

2. That no method was prescribed by Law for the payment of the Taxes of the Western Counties in produce (in lieu of a Currency) as in other Counties within the Province; to the People's great oppression.

3. That Lawyers, Clerks, and other pensioners, in place of being obsequious Servants for the Country's use, were become a nuisance, as the business of the people was often transacted without the least degree of fairness, the intention of the law evaded, exorbitant fees extorted, and the sufferers left to mourn under their oppressions.

4. That an Attorney should have it in his power, either for the sake of ease or interest, or to gratify his malevolence and spite, to commence suits to what Courts he pleases, however inconvenient it may be to the Defendant.

5. That unlawful fees should be taken on an Indictment, where the Defendant is acquitted by his Country however customary it might be.

6. That Lawyers, Clerks, and others should extort more fees than was intended by law.

And for remedy thereof they recommended to the Assembly the following mode of redress, "not doubting audience and acceptance, which would not only tend to their relief, but command prayers as a duty from its humble petitioners":

1. That at all elections each suffrage be given by Ticket and Ballot.



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2. That the mode of Taxation be altered, and each person to pay in proportion to the profits arising from his Estate.

3. That no future tax be laid in Money, until a currency was made.

4. That there might be established a Western as well as a Northern and Southern District, and a Treasurer for the same.

5. That when a currency was made it might be let out by a Loan office (on Land security) and not to be call'd in by a Tax

6. That all debts above 40s. and under £10 be tried and determined without Lawyers, by a jury of six freeholders, impaneled by a Justice, and that their verdict be enter'd by the said Justice, and be a final judgment.

7. That the Chief Justice have no perquisites, but a Salary only.

8. That Clerks be restricted in respect to fees, costs, and other things within the course of their office.

9. That Lawyers be effectually Barr'd from exacting and extorting fees.

10. That all doubts might be removed in respect to the payment of fees and costs on Indictments where the Defendant was not found guilty by the jury, and therefore acquitted.

15. That all Taxes in the following Counties be paid as in other Counties in the Province (i e) in the produce of the Country and that ware Houses be erected as follows (Viz')

In Anson County at Isom Haley's Ferry Landing on PeDee River,  
Rowan and Orange at Cambleton in Cumberland County,  
Mecklenburg at ----- on the Catawba River, and in  
Tryon County at ----- on ----- River.

16. That every denomination of People may marry according to their respective Mode Ceremony and custom after due publication or License.

17. That Doct<sup>r</sup> Benjamin Franklin or some other known patriot be appointed Agent, to represent the unhappy state of this Province to His Majesty, and to solicit the several Boards in England.

The people of Orange and Rowan in their petition asked that Acts be passed:

1. To disqualify lawyers and clerks from holding seats in the Assembly.

2. To give the clerks salaries and take away fees.

3. To confine lawyers to the fees prescribed by law.

4. To "call in all acting clerks and fill their places with gentlemen of probity and intelligence," and insert in said Act a clause prohibiting all judges, lawyers or sheriffs from receiving their fees before the suit in which they became due was finally determined, which they hoped would prevent the odious delays in justice so destructive yet fatally common among them.

5. To repeal an act prohibiting dissenting ministers from celebrating the rites of matrimony according to the forms prescribed by their respective churches, "a privilege they were debarred of in no other part of his Majesty's Kingdom, and a privilege they stand entitled to by the Act of Toleration, and in fact, a privilege granted to the very Catholics in Ireland and Protestants in France."

6. To divide the Province into proper districts for the collection of taxes.

7. To tax every one in proportion to his estates; that however equitable the law as it then seemed might appear to the inhabitants of the maritime ports of the Province, where estates consisted chiefly of slaves, yet to them on the frontier where very few owned slaves, though their estates were in proportion in many instances as a thousand to one, for all to pay equal was very grievous and oppressive.

8. To repeal the Summons and Petition Act, which was replete with misery and ruin to the lowest class of people in the province and in lieu thereof to pass an act to empower a single magistrate to determine all actions for less than five or six pounds without appeal, to be assisted, however, by a jury of six men, if demanded by either party.

9. To make inspection notes on imperishable commodities of the produce of this Province lawful tender, at stated prices, in all payments throughout the Province.

10. To divide the county.

11. To make certain staples of manufacture to answer foreign demands.

12. To ascertain what taxes were collected in 1767, by whom, and to what purposes they were applied specially, and look into the matter of taxes generally. This was done in view of the belief that £27,000 were collected more than was due.

13. To provide that the yeas and nays should be inserted in the Journals of the Assembly, and that copies of the Journals be sent to every magistrate.

If these things were done, the petitioners said they would "heal the bleeding wounds of the Province; would conciliate the minds of the poor petitioners to every just measure of government; would make the laws what the Constitution ever designed they should be, their protection and not their bane, and would cause joy, gladness, glee and prosperity diffusively to spread themselves through every quarter of this extensive Province, from Virginia to the South, and from the Western Hills to the great Atlantic ocean."

These petitions contain the complaints of the Regulators couched in their own language. Do they give any indication of a want of education, a want of patriotism, or a want of regard for the law? Verily, the Regulators might well be content to rest their case, if any need there was for it, upon these two petitions.

In the matter of the complaints against the lawyers of that day, it will be well enough for those of the present day, and for others, to remember generally that while as a rule lawyers have been among the boldest and best patriots and the earliest and most earnest advocates of civil liberty, there is no rule without its exception, and specially that the lawyers of that day were made such by license from the Governor, who received for his own use a fee for every license issued. It must be remembered, too, that in

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those days the principal remuneration of the Chief Justice arose from fees in suits originating and pending before him.

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But it is said the Regulators were men of low degree, ignorant, depraved, violent, lawless, opposed to all taxes, hostile to all government, and without property or other stake in the Province. But this sweeping denunciation seems simply untrue.

In the matter of taxes and government, the Regulators not only made no opposition to the payment of taxes lawfully levied and honestly applied, but, on the contrary, they publicly and officially declared it to be the duty of every citizen "to give part of his substance to support rulers and law."

But they say the Regulators beat the lawyers. And so they did; that is to say, they beat Fanning and Williams. Who "lawyer" Williams was, or how he had made himself specially odious, the records do not show. But Fanning was an extortioner and an odious county official as well as a lawyer, and will any one say that he did not richly deserve every stripe that was laid upon him? Be it remembered, too, that the Legislature, the same one that passed the Johnston Act, absolutely refused to compensate Fanning for his losses, the destruction of his house by the Regulators being an admitted and undeniable item among those losses. Can any one say a word in defence of Fanning?

It is said also that the Regulators broke up the courts, and so they did, but were the courts blameless? Were the Regulators without the gravest provocation? Had not the court severely and promptly punished the Regulators for rescuing a mare levied on by the Sheriff for taxes, at the same term that it refused to pass sentence upon their oppressor, Edmund Fanning, a duly convicted extortioner? What respect could a court command while it refused to purge itself of corrupt and extortionate officers in its daily presence? Fanning, the oppressor of the people, was an officer of the court and a convicted criminal in its dock; but not only did the court refuse persistently to punish him, but the Governor forced him upon the people

as their representative in the Legislature. Was this no provocation to the Regulators to break up the court when hope of its betterment had long vanished? And then, too, did not the Regulators explicitly assure the judge that the court should not be disturbed if he would try the long-delayed causes in which they were interested, and which they had been hearing he would not try? It must be remembered, too, that the mock court held by the Regulators, in which the notorious profane entries were made by them upon the docket, was held after the judge had abandoned the court and left town by "a back way."

But it is said also, substantially, that while resistance to the English Government, in which North Carolinians were not represented, was patriotism, resistance to the Provincial government, in which they were represented, was rebellion. But wherein lies the distinction? Oppression is none the less oppression because it comes from a domestic hand rather than from a foreign one. And was there not grievous oppression long borne? Is there no point at which forbearance ceases to be a virtue in a representative government?

But even if such a distinction could be maintained, it would have no application to the Regulators, who rose in arms, not against the Legislature, in which they were indeed represented, though very unequally, but against the Governor, who was the immediate representative and appointee of the British Crown, and against the judges, the sheriffs, the clerks and the recorders, each one of whom held his office perfectly independent of both people and Legislature, and each one of whom, more or less directly, held his appointment from the Crown. Even the attorneys were licensed by the Governor. In addition to this, one of the main causes of all the trouble was due to an Act of the British Parliament which forbade the Legislature to provide the Province with the currency it so much needed. This Act was passed in the interest of the British merchants. The very heart, then, of the Regulators' fight was against the King, his representatives and his government generally, in which they had no representation whatever; so that, if there was anything in the distinction

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it makes nothing against the Regulators or in favor of the Sons of Liberty.

But suppose the Regulators, towards the last, were given to violence and lawlessness, were not the Sons of Liberty equally so? Chief Justice Marshall says they destroyed many houses, injured much property and grossly abused several persons highly respectable in character and station. Can worse be said of the Regulators? And yet the Sons of Liberty were glorious patriots! What, then, were the Regulators?

But, say some, the Regulators proposed only to pull down the Provincial government without intending anything in its place, proposed anarchy, in short, and therefore were not patriots. But what did the Sons of Liberty propose in 1766, when they made Tryon a prisoner in his own house at Brunswick? Did they have another Governor or another government in view to put in the place of the Governor and government they were then defying, and that, with arms in their hands, for a time at least, they utterly subverted? If the Sons of Liberty had any such purpose they left no record to show the fact. Indeed, their records show they had no such purpose. The Sons of Liberty, however, were glorious patriots as well as our revered forefathers. What, then, were the Regulators? And if a purpose to set up a new government be the test by which to determine whether popular resistance to a government be rebellious or patriotic, what about the attitude of our revered forefathers, who stood ready with iron hand to crush out their fellow-citizens in Tennessee who, having thrown off the North Carolina yoke, organized themselves into what they called the State of Franklin, and set up a government with an unmistakable and undeniable existence? They certainly had a new *de facto* government in full operation in all its branches actually in the place of the old. The people who did this certainly were not anarchists, and, under the supposed test, ought to have been let alone. But whether patriots or not, North Carolina forced them back under her yoke, and the State of Franklin became

one of the great failures, perhaps the greatest, if not the only one of its kind, in America.

The test, then, would seem, to say the least, not to be infallible, and so certainly not sufficient to relegate to rebellion a people who had all the other marks of patriotism. And if the test be not a true one, why should not the Regulators be patriots? Their grievances were great and their resistance was bold. If the Sons of Liberty were patriots, why were not the Regulators?

In the matter of education and social culture, in the matter of morals and in the matter of property, the Regulators were quite as other people were in their day and generation, the Sons of Liberty, for instance, neither better nor worse; nor were they a class to themselves in the territory which they inhabited; on the contrary, as oppression increased, they constituted the great body of the people there. Will any man say that the great body of the people in the Central and Western portions of the Province were men of low degree, or ignorant, or lawless, or opposed to government no matter how honest, or that they were poverty-stricken, or even that they were in sympathy with such men? Certainly no one familiar with the history of the settlement of the magnificent valleys of the Yadkin and Catawba rivers, and in the portions of the State West of Raleigh generally, and the character of the splendid settlers there will accuse the great body of the people there of special ignorance, special depravity, special lawlessness or abject poverty.

If, then, the Sons of Liberty, lawless and violent as they undoubtedly were, endeavoring to pull down before they were ready to build up, were the glorious apostles of liberty and the grand exemplars of patriotism, they are universally taken and accepted to be in America at least, what were the Regulators?

But if the Regulators were merely violent, lawless and depraved men generally, how can we account for the following extract from a letter from our delegates in Congress, William Hooper, of Wilmington; Joseph Hewes, of Edenton, and John Penn, of Granville. The letter is addressed "To the Honorable President and members

of the Provincial Council of North Carolina," and is dated "Philadelphia, December 1st, 1775." The associations of Hewes upon the Chowan, and Hooper upon the Cape Fear, can scarcely be supposed to have biased their minds in favor of the Regulators. Penn, the neighbor of General Person, if not one of them, resided in their midst, and may well be regarded as speaking from personal knowledge. They say:

"In our attention to military preparations we have not lost sight of a means of safety to be effected by the power of the pulpit, reasoning and persuasion. We know the respect which the Regulators and Highlanders entertain for the clergy; they still feel the impressions of a religious education, and truths to them come with irresistible influence from the mouths of their spirited pastors. The present controversy is the cause of liberty, religion, of God—it is a theme worthy the character of the divine missionaries of the Holy Jesus; like him, his followers ought to go abroad doing good, and what employment more meritorious, more purely evangelical, than to lead those who err into the way of truth, to confirm those who waver, and to call forth the powers of every American in support of the Constitution, and to struggle to prevent the downfall of the whole British Empire. Influenced by these views, the Continental Congress have thought proper to direct us to employ two pious clergymen to make a tour through North Carolina in order to remove the prejudices which the minds of the Regulators and Highlanders may labor under with respect to the justice of the American controversy, and to obviate the religious scruples which Governor Tryon's heart-rending oath has implanted in their tender consciences. We are employed at present in quest of some persons who may be equal to this undertaking, and at a future day shall inform you of the result of our inquiries. You will observe that the Congress have conceived the Continent so much interested in the measure that they have made the expense of their support Continental."



Hermon Husbands, "Harmon," as he was familiarly called, has come down to us as the leader and embodiment of the cause of the Regulators, its very heart and soul. He is represented, too, to have been a bad, violent, depraved, seditious, ignorant, vulgar man, who, having led people into trouble, coward-like deserted them in the hour of trial and personal danger; but there seems to be no proof that he was either violent or depraved or seditious, but only lawfully and naturally restive under official oppression. Nor is it entirely certain that he was the originator of the movement. That he was wanting in personal courage, the courage that enables a man to face "the imminent deadly" breach at the cannon's mouth on the battle-field, and that he abandoned the Regulators at Great Alamance just as, or just before, the firing began, is doubtless true. But even admitting this, there were men before him, as there have been men since his day, who, well qualified to stir up resistance, much to their mortification and surprise, perhaps, found their "courage ooze out at their fingers' ends," or somewhere else, at the critical moment; who, to use the expressive phrase of the late war, found themselves "liable to dysentery in the dead hour of battle." And then, too, it must be remembered that Husbands was of Quaker association and proclivities, if not of Quaker birth, and that possibly he looked upon the use of carnal force as sinful. It is not given to many men to be always or everywhere great. To some the hustings or the forum, to others the battle-field is the most appropriate sphere of action. *Ne sutor ultra crepidam.*

Certainly, as a citizen, Husbands was not an objectionable character in the ordinary walks of life. He was sober, intelligent, industrious and prosperous; honest and just in his dealings; the owner of a considerable body of good land, and, judging from his crops, a good farmer. His "clover meadows and fields of wheat" that Tryon destroyed are described as particularly fine. It may be doubted, however, though a good farmer and efficient agitator, whether in time of real danger and great excitement he had suffi-

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cient courage, in a word, whether at the very time he needed to possess his soul with courage and calmness he did not lose his head and lack both discretion and nerve. Especially would he seem to have been particularly indiscreet in giving pretext to the Assembly to expel him, and to Tryon to arrest him, in the winter of 1770-'71. But for this, it now seems possible the war might have been avoided and the necessary remedial legislation enacted, for, as we have seen, the Legislature seemed at last aroused to the exigency of the times. With constant threats, however, and exaggerated rumors that infuriated Regulators were marching on the town of Newbern where the Legislature was in session, determined on its destruction by fire and sword, all of which seems to have been made the most of by his Excellency, our surprise at the passage of the Johnston Bill may well grow less.

Husbands came to North Carolina about the year 1756 or 1757, judging from the date of the first grant of lands to him, and, it seems, was a native of one of the Northern colonies, perhaps Pennsylvania, and the son of a well-to-do farmer. Tryon asserted that though of the Quaker faith he had been expelled from the fold for bad practices. Husbands himself, however, said he was reared in the faith of the English Church. That he was an uneducated man, as is alleged, it would be difficult to prove. Certainly his account of the Regulation troubles, a pamphlet of some one hundred or more pages printed in 1770, would seem fair enough proof to the contrary. Immediately after the battle he left the Province and went to Pennsylvania, where he lived for the balance of his days. His career of agitation there, more pronounced even, perhaps, than that here, ended in the famous Whiskey Insurrection of the year 1794. For his part in that trouble he was arrested, tried and convicted, but finally pardoned in response to petitions from his old friends in North Carolina, and the special intercession of the Rev. Dr. David Caldwell, of Guilford, and Dr. Benjamin Rush, of Philadelphia. He died in the year 1795.

It is said that while in Pennsylvania he was a member of the Legislature there, but whether that be true or not does not certainly appear. It is said, too, that he was a kinsman of Benjamin Franklin, and had frequent communication with him during his residence in North Carolina, the inference being that he got many of his ideas about government from his distinguished relative.

But the War of the Regulation stands upon its own merits, and not upon the character of any one man, good or bad. Certainly, if the merits of the cause were to be judged by the character of its adherents, Husbands would by no means be first chosen for the test. Among others without spot or blemish, was Rednap Howell, of Granville County, who, it seems to this writer at least, was the head and front of the movement, though not the originator perhaps, and head and shoulders above all others in its ranks. He came from New Jersey, and settled first in Chatham County as a school-teacher. Where he went after the battle is not known. It is known, however, that he was the writer of the popular songs and political doggerel of the day, a very powerful machine indeed for reaching and stirring up the popular heart. Nor does there seem to be any reason to deny him a full share in the authorship too, of some of the principal graver papers of the Regulation that have come down to us, some of them as fine specimens of good writing as that day and generation afforded, and none were ever better. Notably among these are the petition to Tryon of 21<sup>st</sup> May, 1768, and the petition to the Judges in September, 1770. It is idle to say that the authors of such papers as these were either ignorant or unlettered. Their pens were the pens not merely of ready writers, but of elegant and forceful ones as well. Howell was, however, an influential actor as well as writer in those times. Tryon characterized him as one of the principal leaders of the troubles, and accepted his declarations as convincing proof of the purposes of the Regulators before the battle; and well he might, for Howell was one of the committee that presented the petition of 21<sup>st</sup> May, 1768, and one of the Regulators that broke up the Court in 1770, and he it was who was "raising the country" for the rescue

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of Husbands in January and February, 1771, and after the battle he was one of the three persons His Excellency offered a heavy reward for, delivered, dead or alive, at his camp or that of General Waddell. His letter of 16<sup>th</sup> of April, 1771, shows beyond question that he was the master-spirit then controlling the movement, and that his interest in the Regulation went much beyond mere song-writing, in a word, that his plans were far-reaching, and his aims for the complete redress of all oppression under which "poor Carolina" labored, no matter at what cost, were very far advanced. Upon him, as upon Person, there was no taint of cowardice or other spot or blemish whatever.

Thomas Person, also of Granville, was another Regulator upon whose character the most ardent friend of the cause might well be willing to stake its reputation. The details of the part he bore in the troubles may not now be definitely ascertained, though he was certainly a Regulator, and certainly also active enough in the cause to make Tryon after the battle exclude him by proclamation from amnesty. Indeed, he is said to have been "one of the most remarkable men of the times, an earlier, more adroit, courageous and successful reformer than Husbands." Now, Person was a Church-of-England man, a generous friend of education, a man of strong sense, the owner of large estates, and of the highest social position, and, as his subsequent career proved, one of the staunchest and most devoted patriots this or any other Province possessed during the Revolution. After the battle he was imprisoned at Hillsborough, but how he secured his release, or how he escaped trial and punishment for treason with the other Regulators excluded from the benefits of amnesty, does not certainly appear. Tradition in Orange says, that while in prison there he was very anxious to go to his home in Granville County to see, or more probably to destroy, certain papers there, and to that end he agreed with his jailor that at dark on a given night a fast horse, or rather a fast mare, for historic horses are generally mares, was to be ready for him on which to ride to his home in Granville and

destroy the papers, the understanding being that he was to return to jail by day-light next morning. The jailor's confidence in his prisoner was fully justified, for by day-light he had made the trip to his home and back, and was once more in his place in prison. Another account, the one still current in the family, is that the old Scotch parson Micklejohn, of Granville, though a pronounced Government man, went after the papers and brought them to Person who destroyed them in jail. It also said that something, on the parson's return, excited inquiry and suspicion, whereupon Tryon's messengers were despatched to search Person's house. The story goes, also, that in his reply, when questioned about his supposed ride next morning, the old parson smartly "whipped the devil around the stump," in effect if not in words, for he turned the matter off by saying it was not likely, had the mare taken such a jaunt as that the night before that she would then be as "gaily" as she was.

But however this may all be, we know the fact that Tryon's troops went to Person's house, looking, perhaps, for plunder as well as for evidence against the owner, and broke open his desk, but nothing criminating was found. The desk is to-day in the possession of a descendant of Person's brother William, with its broken lock still unrepaired.

The most probable solution of Person's release from prison seems to be found in a letter from North Carolina, published in the *Boston Gazette*, 12th of August, 1771. The writer, in reply to some inquiries made as to the fate of a certain Regulator, says that he was held a prisoner at Hillsborough, to be tried at the special court of Oyer and Terminer; that his desk at home was broken open and his papers taken, but that upon examination they proved not to be of a criminatory nature. He was, however, neither tried at the special court, nor then allowed to give bail for his appearance at any future court, though abundantly able to give ample security, but was sent to Wilmington, where he was discharged upon giving his recognizance before a Magistrate to appear at the coming Superior Court;

that he was in irons at Hillsborough three weeks; that during that time, the executions taking place, he was marched under guard to the gallows and back again. The internal evidence in the above very strongly indicates that the Regulator referred to was Thomas Person.

The Person family came to North Carolina from Virginia and settled in Granville County before its formation. William Person was the first Sheriff of the county, having received his appointment in the year 1746 at the organization of the county. His son, Thomas Person, the Regulator, in time became a surveyor for Lord Granville. He was noted for the accuracy of his surveys and the faithfulness of his work generally. There, as most surveyors did elsewhere, whether for the Crown or for Lord Granville, he accumulated a handsome estate, their business as surveyors making them familiar with the best lands. His first appearance in public life seems to have been as a member of the Assembly of the session of 1766. From that time until his death he continued to represent his county in a legislative capacity. He was a member of every Provincial Congress from the beginning of the Revolution to the end. He was also a member of the Provincial Council for the State, and of the Committee of Safety that succeeded the Council, and that with it constituted the Government from the overthrow of Martin to the adoption of the State Constitution. He was also made a Brigadier-General for his district, in a word, wherever devoted, intelligent, efficient patriotism was required, Person was promptly put on duty. He was in constant correspondence, too, with his friend and countyman, John Penn, one of the delegates to the Continental Congress at Philadelphia, who regularly advised with and consulted him upon the condition of affairs.

In 1791, a new county being erected, it was in honor of him named Person County. His name is also perpetuated at the University by the oldest hall there, called Person Hall, in grateful commemoration of his munificent liberality to that institution. Two

streets also, one in the city of Raleigh and one in Fayetteville, bear his name.

He married, but left no descendants. He was born on 19<sup>th</sup> January, 1733, and died in November, 1800, while on his return from Raleigh to Goshen, his home in Granville, and was buried, at his request, at Personton, one of his places. He left large estates. And to-day North Carolina bears in her bosom the bones of no purer patriot than those of Thomas Person.

James Hunter, of Orange, was also a man of some property. He was at one time a member of one of Dr. Caldwell's congregations, but subsequently withdrew from it because he thought the Doctor was not sufficiently enthusiastic in the cause of the Regulators. His influence and his consequence were such that on the morning of the battle the Regulators asked him to take chief command on the field. He refused to do so, however, saying "they were all free men and every one must command himself." He was a man of good mind naturally, moral in his deportment, very ardent in his temperament and enthusiastic in whatever he undertook, and without suspicion as to his courage. This was the man who went with Howell to Brunswick to deliver to Tryon the paper of 21<sup>st</sup> May, 1768, and who, at September Court in 1770, presented to Judge Henderson the bold petition of that date, and who, with Howell, afterwards broke up the court, and who again, in March, 1771, was present, ready to break it up if held; and it was to him that Howell's memorable intercepted letter of 16<sup>th</sup> February, 1771, was addressed. These things, of course, made him one of the "worst" and most "lawless" Regulators.

Daniel Gillespie, of Guilford, was a member of the Provincial Congress that adopted the State Constitution in December, 1776, and a member also of the Convention that adopted the Federal Constitution in 1789; represented his county in the Legislature, and filled other offices of trust and responsibility. He was a Captain during the Revolution and a very skillful and enterprising officer. His older brother, John Gillespie, was a Colonel during the war, and

one of the most resolute of men; so that it might, with truth, be said of him, if it could ever be so said of any one, that "he never knew fear." Both of these brothers were in the battle of Alamance, but John distinguished himself especially and never took Tryon's oath. Tryon sought to have him arrested after the battle, but in vain. He returned home when Tryon left the Province, and went into the Revolution with great ardor.

Their names lived long, and still do live, doubtless, in the traditions of the section to which they belonged.

James Pugh, another Regulator, was not so fortunate as were his compeers above named. He did, indeed, run in safety the gauntlet of Tryon's bullets in the battle, but in spite of great gallantry, possibly because of it, he was taken prisoner, tried, convicted and sentenced to death under the Johnston Act. Pugh, according to tradition, was an ingenious gunsmith, as well as zealous Regulator, and had mended many of the Regulators' guns prior to the fight, and in the fight had, it was well known, killed or disabled many of Tryon's artillerists, and there was no hope for him. When placed on a barrel under the gallows for execution, as it seems was the custom in those days, he was perfectly calm and composed. Having obtained permission to address the people for a half hour, he declared that he had long been prepared to meet his God in another world; that he had no regrets to express for what he had done in the matter of the Regulation, and that his blood would be as good seed sown on good ground, which would soon produce a hundred fold. He then recapitulated the causes that led to the late conflict; asserted that the Regulators had taken the life of no man previous to the battle; that they had aimed at nothing more than a redress of grievances; that Tryon had brought an army there to murder the people instead of taking sides with them against a set of dishonest officers, and advised him to put away his corrupt clerks and tax-gatherers, mentioning Fanning by name as one especially unfit for office. At this point, though the half hour promised him had not expired, the barrel, at the instance of Fanning, was suddenly knocked from under



him and he thereupon strangled to death in the presence of Tryon, Fanning and the troops drawn up to witness the horrible spectacle.

Was this man a mere lawless desperado? On the contrary, he became a Regulator with the fear of God before his eyes, and through all its trying scenes, even under the very gallows itself, bore himself as one all the while conscious of his responsibility to a higher power for the acts done in the body here on earth. With this fear of God thus upon him, but utterly fearless of man, even under the gallows itself, he faced Tryon and his troops, and as if given that prevision, said to be sometimes bestowed upon men with the hand of death laid heavily upon them, he declared that he had no apologies to make for what he had done, and that his blood would be as good seed sown upon good ground that would soon yield a hundred fold. Can such a man as this be properly characterized as depraved or lawless or ignorant? Was he not rather a magnificent hero of the highest type, and worthy of the utmost reverence and admiration of his own and succeeding generations? \*

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Others might be named in this connection, but these are enough. Were these men, though undoubtedly among the "worst" and most "lawless" of the Regulators, the ignorant, uneducated, poverty-stricken creatures that the Regulators generally have been so persistently represented to have been? Were Caswell and Nathaniel Greene, or Harnett and Patrick Henry uneducated men? Was Washington uneducated and was Franklin ignorant? None of these, however, were college-bred, and perhaps neither of them made pretensions to being an accurate classical scholar, yet all of them wrote English clearly, forcibly, well, nay, even elegantly. How shall we safely judge a tree save by its fruits? Applying this test the Regulators need fear nothing, for they may safely rely for their reputation in this regard upon the official papers they left behind them.

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\* For many of the personal traits of the Regulators above referred to, see Caruther's *Life of Caldwell*.

The truth is, Washington was a type, a splendid one, it is true, of a large, if not the best, class of the young men of his day in America. He received what now would be called "the rudiments of an education," especially in mathematics, and then, before reaching full age, went into the woods to begin life as a surveyor. So generally, indeed, did the native young enterprise and intelligence, of this part of the country at least, find vent in that direction, that few of the prominent men of the day can be named who did not begin life as surveyors. In North Carolina, especially in the portions settled before the Regulation troubles, it has been a subject of remark that there were few long-established families that did not trace their pedigrees back to surveyors; and naturally enough, for his profession gave every surveyor knowledge of the country and where to make judicious entries of unappropriated lands, where, in a word, to pick and choose at his own will from the best. This class of men was represented on the side of the Regulators by Person and on the Government side by Caswell, not as distinguished types, doubtless, as Washington, but still admirable ones of the same class.

But while a large proportion of the enterprise and intelligence of the youth of the country, after receiving "the rudiments of an education," went into the business of surveying, it did not all do so, for much of it found congenial occupation in other pursuits of life, but with the same result, that is to say, the production in time of a class of excellent English scholars, well versed theoretically as well as practically, in the affairs of life, no matter what they might have been, whether business or government. And just here it may be remarked that the science of government, as a matter of practical, every-day importance, was, perhaps, quite as well understood and quite as much studied, to say the least, in America during the latter half of the last century as at any time in the present. It is idle to say that such men as these were either ignorant or uneducated.

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But the most odious crime, perhaps, alleged against the Regulators was that a large proportion of them became Tories during the

Revolution. How true the charge is, we do not know. That a majority of them became Tories has been both affirmed and denied. Of those, however, who did become Tories, the excuse was that they could not so soon forget the oath of allegiance to the King they took after the battle of Alamance. The promise they then made to be forever afterward true to the King as the price of the amnesty they sought, they said they could not so soon break, and a large number of them, perhaps, adhered to that determination to the end. And this they did, in spite of the fact that the famous Hillsborough Provincial Congress in 1775 made haste on the first day of its session to resolve that the Regulators who broke their oaths ought to be protected from punishment therefor, and appointed Caswell, Moore, Patillo, and others, a committee to persuade them they ought to break them, Caswell, whose bayonets had forced the oaths down their throats; Patillo, who, with the other Presbyterian pastors in the Province, had addressed a laudatory letter to Tryon and a denunciatory one to their congregations about the crime of being a Regulator; and Moore, who had been on the court that convicted twelve of the Regulators of treason and sentenced them to death! Was there no excuse for the Regulators who became Tories?

In this connection, too, it will be well to remember that our information about the Regulation troubles for half a century or more came to us from their enemies colored, distorted and tainted by their prejudices.

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Governor Tryon was an Englishman by birth and a soldier by profession. He received a commission as Lieutenant and Captain of the First Regiment of Foot Guards 12th October, 1751; in 1757 he married Miss Wake, of Hanover Street, with whom he received a fortune of £20,000 sterling, and on 30th September, 1758, became Captain and Lieutenant-Colonel in the Guards. Through some Court influence, probably, as Miss Tryon was maid of honor to the Queen, and as he claimed relationship with the Rawdon or Moira family, he was appointed Lieutenant-Governor of North Carolina,

where he arrived 27th October, 1764, and was gazetted Governor of the Province 20th July, 1765. He administered the government here until July, 1771, when he was advanced to that of New York. He was promoted to a Colonelcy in the army 25th May, 1772; became third Major of the Guards 8th June, 1775; Major-General 29th August, 1777, and Colonel of the 70th regiment 14th May, 1778. In 1779 his name was inserted in the New York Act of Confiscation. On 21st March, 1780, he resigned the Government of New York, which for many years had been only nominal, and returned to England, where he was appointed Lieutenant-General 20th November, 1782, and Colonel of the 29th Foot, 16th August, 1783. Governor Tryon died at his house, Upper Grosvenor Street, London, 27th January, 1788, and his remains were deposited in the family vault at Twickenham. A highly eulogistic obituary notice of him, doubtless from the pen of Fanning, appeared shortly after in the *Gentleman's Magazine*, lviii., 179. "The name of Tryon," it asserts, "will be revered across the Atlantic while virtue and sensibility remain." The State of New York manifested its "reverence" soon after by erasing the name of Tryon from the only county that bore it in the State. North Carolina also obliterated the name of Tryon from the list of her counties in 1779, and the territory having been divided, called the new counties Lincoln and Rutherford.

What was Tryon's real character it is difficult to say at this day. That he was a diplomat, as well as a statesman and soldier, would seem to be true. That he possessed personal courage is doubtless true, and that he was well versed in the learning of his profession and possessed of a practical knowledge of its details, no one can deny who has studied his record. Undoubtedly, he was fond of the pomps and vanities of life generally; but, possibly, he was never quite so happy as when riding at the head of a column of gallant men, and doubtless the feather in his hat was just a trifle, at least, more showy than the feathers worn by men of equal rank though, perhaps, of not equal military ability. But Tryon, when in North Carolina, at least, is considered to have been something more than

a mere soldier seeking the bubble reputation at the cannon's mouth; but, for all that, he was always a soldier, and, while an adept in the arts of diplomacy whenever it pleased him to employ them, he always had in view the use of armed troops as the last resort. Diplomacy, too, perhaps, he kept for the Legislature and force for the people. In the matter of the Stamp Act, he used all the force at his command, the armed vessels in the river, and proceeded to advise the home government as to the best time to send troops to the Province. In the matter of the Regulators, which, unlike the other, was unhappily of only local concern, though, perhaps, the most important event of his administration, the advantages likely to accrue to himself personally from a successful armed conflict with so-called rebels seem to have possessed him at a very early date, and to have blinded him entirely to his duty to the people over whom he ruled. The truth seems to be that he could have settled the Regulation troubles without resort to force had he desired to do so. He did not desire to do so, however, but, on the contrary, desired the Regulators should proceed to violence that would give him a pretext for bringing an army into the field. His first army he put in the field in September, 1768, but as the Regulators left him "to fight the air," he was disappointed of the desired conflict. The cost of the experiment was some £20,000. His next army was not put in the field until April, 1771, but he was preparing for it for more than twelve months before the campaign began, and this time he by no means proposed to fight the air, so he held his troops back until it was certain there would be substantial men in his front and not merely the air. It cost the Province £40,000. From the tenor of his correspondence generally, it would seem he was steadily looking forward to the coming conflict, and, from his correspondence just before the Legislature met in 1770, now for the first time put in print, it would seem he was eagerly on the hunt for matter with which to aggravate that body into passing a Johnston Act of some sort. Certainly, too, when in March, 1771, he ordered the judges to attend at the approaching term of the court at Hillsboro,

it would seem he desired to make sure of further violence, and, to use the words of one of the judges, "was not unwilling to sacrifice his judges to increase the guilt of his enemies." Either that, or he utterly discredited the reputed violence of the Regulators.

He was a fine writer too, and a fearless one; wrote with much force and elegance, indulging at times in very polished impertinence very thinly veiled in his correspondence with the home government. But, to do Tryon full justice, we must bear in mind that modern ideas of the just relations between a people and their Governors are very different from the ideas of a hundred and twenty-five years ago. Fanning, too, at an early day seems to have gotten a baneful influence over him, so baneful indeed was it, that from the day it was acquired it was full of evil, and evil only, to the Province.

Young, active and energetic, as soon as might be after his arrival, he sought to inform himself as to the Province and its people, and this, it must be remembered, had to be done not in Palace Cars as now, but on horseback. He was on one of these tours when called to the head of the government by the death of Governor Dobbs. Upon taking charge of affairs he found himself confronted with the Stamp Act troubles, and he certainly would have executed that hateful law but for the force of circumstances over which he had no control. The thing, however, was simply impossible, and having exhausted not only persuasion, but all the force at his command, he at an early day abandoned the attempt. The objective point with him from that time seemed to be to get control of the Assembly, with a view to the passage of such laws as he desired or was instructed to secure. Heavy appropriations, too, had great attractions for him, for he was reckless and extravagant in the expenditure of public money. The palace had to be built and various other things had to be done that were dear to his splendor-loving heart. He succeeded admirably in his efforts to ingratiate himself with the leaders, at least in Eastern North Carolina where the control was, so much so, that even after he had gone to New York our Legislature appealed to

him to use his influence, supposed to be very great, with the home government in behalf of the Province; and so secure did he feel about his hold on the Province that he would threaten to leave it in case things did not go to suit him, as if the mere suggestion of such a dire calamity would strike down the fiercest opposition.

He was evidently a man of complex nature, in which force and diplomacy and mere foppery, perhaps, contended for the mastery, and too, while ordinarily an amiable man, when his blood was up he was as merciless as a wild beast. The wanton hanging of the lunatic Few in cold blood, and without any form of trial, the morning after the battle of Alamance, when all pretence of resistance was at an end, showed both the cruelty of the man and the dominion Fanning had over him, and the manner in which he ravaged the country of the Regulators after they were vanquished was worthy of a Cumberland in olden time or a Sherman in modern. Equally cruel was the infliction of two hundred and forty lashes upon a man whose greatest crime was writing an "impudent letter" to "Lady" Tryon. .

Nor, in this regard, was his course in New York any better. Sabine, in his "Sketches of the American Loyalists," paints him in very black colors. He says, that in 1777, when Governor of New York, Tryon declared that if he had more authority, he would "burn every committee-man's house within his reach," and that he would "give twenty-five silver dollars for every acting committee-man delivered up to the King's troops"; that when Fairfield was burned, Mrs. Burr, a lady of great dignity of character, and possessed of most of the qualities which give distinction to her sex, resolved to remain in her dwelling, and, if possible, to save it from the flames. She made personal application to Tryon to spare it, but he answered her not only uncourteously, but rudely, brutally and with vulgarity, and when a soldier attempted to rob her of her watch, he refused to protect her, and that at the burning of Norwalk he seated himself in a chair on Grammond Hill and calmly enjoyed the scene.

But he was frivolous and cruel in New York, as well as in North

Carolina. A letter from New York to a London magazine under date of 10th December, 1777, after describing Tryon's conduct there as extremely injudicious and of infinite prejudice to the mother country, says:

On the first arrival of the army here, he followed the army wherever it marched administering oaths of allegiance to the inhabitants. These oaths were readily taken, and from the Gazettes we find that the Governor did not lose such a favorable opportunity of puffing off his assiduity. As the army did not remain long in one place, the rebels again took possession and barbarously murdered several of Governor Tryon's converts, forced others to join the rebel army, and plundered the effects of all who refused. This has, in a great measure, deterred even the most loyal subjects from taking the oaths till they find they are to be protected.

In General Clinton's excursion up the North River, near a thousand stout fellows came to claim the benefit of the proclamation, and proposed to enlist in the new corps; but General Tryon, who never let slip any opportunity of appearing consequential, immediately assembled them together, pronounced a pompous speech to them, and tendered the oath to them with much formality. The country-folks took the oath with great pleasure, and then having got their protections in their pockets, they thought it best to return home to their own habitations till his Majesty's troops had conquered the rebels. In this manner were so many able-bodied recruits lost.

General Tryon takes another method to convert the rebels; he sends out officers with flags of truce, loaded with sermons to distribute among them. The Chief Priest of the Moorefields Tabernacle could do no more. With these sermons the rebels light their tobacco pipes, or expend them in other necessary uses.

Another letter of the same series under date of 17th May, 1778, says:

In some instances we have not been remarkable for our good conduct in the neighborhood. Governor, now General Tryon, who is the pink of politeness, and the quintessence of vanity, chose to distinguish himself by petitioning that the Provincials under his command should occupy the out-posts at Kingsbridge; he had his wish for a long time, by which we lost numbers of our best recruits. The man is generous, perfectly good-natured, and no doubt brave, but weak and vain to an extreme degree. You should keep such people at home; they are excellent for a Court parade. I wish Mrs. Tryon would send for him.

Some of the lines in the character given to Tryon in New York are quite familiar to the student of North Carolina history. Certainly his fondness for the administration of oaths, for military life and tawdry display generally, for sermons and chaplains, are traits



easily recognizable here. It is easy to believe, too, the assertion that he was the pink of politeness and the quintessence of vanity, that he omitted no opportunity of "puffing off his assiduity" or of appearing consequential, so that the expression of the wish that he should be relegated to petticoat government was, though very cruel, perhaps pardonable. The "pompous speech" he was in the habit of making seems like an old familiar friend, reminding one as it does so forcibly of his pompous speech to the fifty gentlemen of the Cape Fear in November 1765, and his famous speech at Alamance when urging his reluctant troops to fire on the Regulators. "Fire on them or on me," said he, baring his bosom doubtless, in order to suit the action to the words.

Sabine, on the contrary, thinks his military operations in New York evince much ability and skill, though his career, neither in New York nor North Carolina, either in civil or military life, entitles his memory to respect, even with the most liberal and charitable.

This characterization of the man, corroborated as it is by what we know of him while in North Carolina, casts grave doubts upon the tradition here as to his qualities as a statesman. But however we may puzzle ourselves about the character of Tryon, the fact remains that his administration was a curse to the Province.

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Edmund Fanning, son of Captain James Fanning and Hannah Smith, though of Irish descent, was a native of Long Island. His family was one of wealth, education and high social position. He graduated at Yale College in 1757, and in 1764 received the degree of Master of Arts from that institution and from Harvard; in 1772 he received the same degree from Columbia College; in 1774 he received the degree of Doctor of Civil Law from Oxford, England, and in 1803 the degree of Doctor of Laws from Yale and from Dartmouth Colleges. As has been said, "The annals of our State present no other, and the Union scarcely, if indeed a single instance, of an individual crowned at so early an age with this high literary distinction from such reputable and numerous sources, abroad and at home."

About 1760 he was sworn in as an attorney at Hillsborough; in 1763 he was appointed Register for the County of Orange, and in 1766 a Judge of the Superior Court in place of Maurice Moore, removed for his outspoken opposition to the Stamp Act, and at a later date was made Colonel of the Militia for the county. During a portion, at least, of his residence here he was also Surveyor General for the Province of New York. In 1771 he returned to New York and when the Revolution came on enlisted a corps of Loyalists called the Associated Refugees or King's American Regiment of Foot, funds for that purpose having been subscribed in Staten Island, King's County, Town of Jamaica, and City of New York. The regiment was disbanded in 1783. In September, 1783, Colonel Fanning was sworn in as Lieutenant-Governor of Nova Scotia, and subsequently Lieutenant-Governor of Prince Edward Island, the affairs of which latter Province he administered for nearly nineteen years. In 1793 he was made a Major-General, in 1799 a Lieutenant-General, and on 25th April, 1808, a General in the British Army. He died at an advanced age at his house in Upper Seymour street, London, on 28th February, 1818, leaving a widow and three daughters. The statement that he married a daughter of Governor Tryon, set forth in Sabine's *American Loyalists*, is doubtless untrue. Tryon himself was not married until the year Fanning graduated.

The following lines, said to be an undoubted specimen of Rednap Howell's "poetry," show unmistakably the prevailing sentiments in regard to Fanning and his compeer, Frohock, the Clerk of the Court in Rowan:\*

Says Frohock to Fanning, to tell the plain truth,  
When I came to this country I was but a youth.  
My father sent for me; I warn't worth a cross,  
And then my first study was to steal for a horse.  
I quickly got credit and then ran away  
And haven't paid for him to this very day.  
Says Fanning to Frohock, 'tis folly to lie;  
I rode an old mare that was blind of an eye.  
Five shillings in money I had in my purse;  
My coat it was patched but not much the worse.  
But now we've got rich and it's very well known  
That we'll do very well if they'll let us alone.

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\* Caruthers.

Still other lines, doubtless from the same pen, that were current as early as 1765 have come down to us:

When Fanning first to Orange came  
 •He looked both pale and wan,  
 An old patched coat upon his back,  
 An old mare he rode on.  
 Both man and mare warn't worth five pounds  
 As I've been often told;  
 But by his civil robberies  
 He's laced his coat with gold.\*

It was currently reported and believed that in spite of his impecunious condition when he came to the Province, Fanning in a very short time accumulated a fortune of £10,000, certainly a large sum to have been honestly made in that day among a poor people. Frohock, too, died rich.

Under these circumstances it is not surprising that the Regulators at one time dragged Fanning from the court-house by the heels and beat him with many stripes, that at another they fired bullets into his dwelling-house, and at still another demolished it,

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Especial attention is called to the paper entitled "A View of the Polity of the Province of North Carolina in the year 1767," in Volume VII. It is an admirable paper, and very well worth reading by any one who desires to obtain a clear idea of the government in Colonial days.

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The very comprehensive and interesting account of the German Reformed Churches in North Carolina, in the appendix to the eighth volume, was prepared at the special request of the Editor by the Rev. George Wm. Welker, who, for fifty years, has been a minister to those churches. The paper will be found to be very valuable and instructive, not merely to those specially interested in the German

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\*See page 507, Vol. 7, for Fanning's order "for some good double gold lace for a hat and some narrow double gold do for a jacket."

Reformed denomination, but to the general reader as well, because of the information it contains in regard to the early settlement of a portion of the State, to which attention has not hitherto been particularly directed, especially that central portion of it East of the Yadkin River.

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As ecclesiastical affairs were as much under the control of the government as those purely civil, Governor Tryon was of course a staunch "churchman." He boasted, nevertheless, that he was by no means intolerant and hoped that his preference for the Established Church of England would not create a contrary impression. Toleration, however, he thought by no means meant to "exempt dissenters from their share of the support of the Established Church." Accordingly, one of the very first acts of his administration was to secure the passage of an Act for making "a better provision for an orthodox clergy." This Act, which was passed in May, 1765, was intended to remove the objections to the Act passed in 1762 on that subject, and was considered as favorable as could have been expected. The stipends of the clergy were not only augmented from £80 to £133.6.3, but a shorter and easier mode for their recovery by law was provided. The right of presentation, too, was given to the Crown, to be exercised of course by the Governor, which relieved the clergy from what they called "the insolence and tyranny of vestries." The Act also gave the Governor and Council authority to suspend any of the clergy that should be guilty of any gross crime or notorious immorality, such suspension to be revocable by the Bishop of London.

But it was easier, perhaps, to pass the law than to execute it. In some counties the people refused to receive the clergy the Governor presented to them; in others vestries were elected, but would not qualify or act. In all, the people were "on the shift and double how to get clear of every public expense," and so great was the distress of the people for want of a currency that mobs and riots were frequent, and in many places officers dared not distrain for any dues whatever. Indeed, one of the clergy, in June, 1767, wrote to the

Secretary for the Propagation of the Gospel in London that "the want of some currency medium rendered it impossible for the people to pay the smallest established salary, and when paid, the high advance upon goods, the insufficiency of exports and the badness of our staple and navigation rendered the nominal salary of a hundred pounds sterling scarcely equal to £40 sterling in South Carolina, Virginia or any other of the Northern Provinces." In 1769, in conformity with instructions from the King, the Act was amended so that the salary of a suspended clergyman, or a reasonable part thereof, might be paid to the man put in his place during the suspension.

Whether it was from his boasted spirit of toleration or whether it was because he saw it was to his interest to do so, Tryon, "staunch churchman" as he was, undoubtedly courted the influence of the Presbyterians, and more than once took occasion to praise them and to express his sense of the obligations under which he and the Government lay to them. In 1766 he approved the Act then passed allowing Presbyterian ministers to celebrate the rites of matrimony in their usual and accustomed manner.

Before that time no minister of the Gospel as such, save one of the Established Church, could celebrate the rites of matrimony in North Carolina. The Act of 1766 was soon repealed, and the much-coveted privilege thereby taken from the Presbyterians. In 1771, however, a new Act restoring the privilege was passed with the Governor's approval, but with a clause suspending its operation until the pleasure of the King should be known. This Act, Governor Tryon said, was an "indulgence" to which the Presbyterians were well entitled because of the attachment they had shown to the Government. His approval of the charter of Queen's College was also very naturally considered a decided mark of gubernatorial favor, although Fanning, according to popular report, was to be its Chancellor. That something was due to the Presbyterians, independent of the merits of the case, from Tryon for the support their pastors gave him in 1768 cannot be well denied. Certainly the letters in which all the

Presbyterian pastors in the Province united to praise Tryon and denounce the Regulators were as strong in language as they were opportune in point of time. Indeed, old Parson Micklejohn of the Established Church was not more pronounced in enforcing the duty of obedience to "the powers that be" as being of divine origin than the Presbyterian pastors were. The Governor in his report put him and the Presbyterian pastors on the same footing in this regard, and said the principles they inculcated had such "salutary effects on the complexion of the times" that he would ever gratefully remember them. The Quakers also were tolerated, though not to the same extent, perhaps, as the Presbyterians. All other "sectaries," the Governor said, were "enemies to society and a scandal to common sense."

In the affairs of his own church Tryon, while zealously maintaining every form of prerogative, seemed earnestly to desire to fill the parishes with clergymen of good character, a class of men that he said were greatly needed in the Province. He seemed, too, honestly to think a church established by law was the right thing for the Province, and that it was a part of his duty to execute the law providing for its establishment.

When Tryon came to this Province there were here just five clergymen of the Established Church. When he left it there were eighteen, an increase of thirteen.

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The taxables in the Province for the first year of Tryon's administration were reported to be 45,912 in number, 28,542 being white and 17,370 being black, showing a population, according to the estimate of Governor Swain, of some 220,000 population, about four-fifths of which were white. For the year 1767 the number of taxables reported was 51,044, indicating on the same basis some 250,000 people. In 1771, or at the end of Tryon's administration, there would doubtless have been a population of over 300,000 had it not been for the check given to the progress of the colony by the War of the Regulation in the interior part of the State; but the statement

of Morgan Edwards, allowing even for exaggeration, according to which 1,500 families left a comparatively small area within twelve months, and that others were ready to leave as soon as sales of property could be effected, shows a state of affairs that gives great reason to doubt whether the ratio of development at the beginning of Tryon's administration was maintained to its end. But for this check there would seem to have been no limit to the progress of the colony when we remember the immense volume of the tide of immigration that had begun with such irresistible force to flow into the Province, especially into the sections traversed by Tryon's troops in their triumphant march after the battle of Alamance. In the beginning of 1766 Tryon said he thought the Province was settling faster than any on the Continent, and that in the preceding autumn and winter upwards of 1,000 wagons with families passed through Salisbury.

To what extent the War of the Regulation actually affected the prosperity of the Province can not now probably be determined, but that it did materially put a check upon it there is little reason to doubt, for the same causes that induced such large bodies of people already settled here to leave known fertile lands and migrate across the mountains to other and unknown lands, would of course deter other people from coming in to take their place.

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In the matter of trade and commerce Governor Tryon reported that lumber, a considerable staple in the Province, was exported to the West Indies and paid for in sugars, rum and molasses, and that tar, pitch and turpentine were also exported and paid for by goods imported or by bills of exchange. Sometimes, indeed, but very rarely, a vessel brought in hard dollars with which to buy a cargo. In such case, however, the merchant did not permit the dollars to circulate in the Province, but either sent them to a foreign market or to Great Britain. The exported lumber, plank and scantling, was sawed in lengths from twenty-five to thirty feet in the home mills, of which there were but a few, save those on the creeks on the

North-east and North-west Cape Fear. On those creeks there were fifty saw mills then in repair, with more building, each with two saws; each mill sawing on an average 200,000 feet per annum.

Concerning manufactures, Governor Tryon said, that dispersed over the Province, especially in the Northern and Western portions, were some spinning-wheels and looms for the manufacture of cotton, wool and flax, that scarcely supplied the wants of the families in which they were worked: so that it was an unheard of thing for a piece of linen or woollen cloth of home manufacture to be sold. Sheep, he said, thrived well here, but had not become a staple of the country, and wool being scarce it was generally mixed with cotton, which flourished well. There were also two fulling mills on a branch of Deep River in Orange County. The cloths brought from these mills were valued at from 2s. 6d. to 4s. sterling per yard; also two still-houses, one at Wilmington and the other at Newbern, purposely for distilling spirits from molasses, each of a capacity to distill 200 to 300 hogsheads annually; ship-building was not of very great importance, the largest vessels not exceeding two hundred tons burden. There were five or six tanners and as many hatters in the Province, but none of them of much note. Mechanics for building houses and making farming tools were about as in the other Colonies, though perhaps not as good; their materials, excepting timber, lime and brick, were brought from Great Britain or the Northern Colonies. Within a few years past the Province had opened direct trade with the mother country and had been very much benefitted thereby. No encouragement had been given by the Legislature to any manufactures since 1734, but a bounty for the exportation of hemp and flax was given in 1764.

An Act for the encouragement of an iron manufactory on the Trent River, some thirty miles above Newbern, to be erected by some gentlemen from Maryland, passed the Lower House, but fell through in the Upper. A grist mill and saw mill had already been put up for the iron works. The ore was said to be sufficient in quantity and good in quality. This project, however, came to noth-



ing for want, it was said, of sufficient capital on the part of its undertakers. There were also two iron furnaces on the branches of Deep River, in Orange County, making pig iron only, and another was soon to be put up in Rowan County, near Salisbury, by Colonel Frohock.

In the matter of exports and general products besides naval stores, Governor Tryon reports the familiar list of lumber, shingles, staves, deer-skins, raw-hides, leather, beef, pork, tallow, corn, flour, pease, rice, bees-wax, myrtle-wax, tobacco, indigo, stamps, flax, &c.

# COLONIAL RECORDS.

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1769.

[B. P. R. O. AM: & W. IND. VOL. 273.]

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Letter from John Stuart Superintendant &c to the Earl of Hillsborough.

CHARLES TOWN 3<sup>rd</sup> Jan<sup>ry</sup> 1769.

In my letter which I had the Honor of writing your Lordship the 15<sup>th</sup> September I mentioned my Intention of visiting the Boundary Line; accordingly after having finished with the Cherokees I set out upon that Service accompanied by some Indians and rode along that part of it which divides this Province from the Lands reserved by the Indians it is marked at least 50 feet wide the Trees within which Space are blazed on both sides.

The Country near the Line is very full of Inhabitants mostly emigrants from the Northern Colonies it is remarkable that in going hence to the Frontiers I rode at Times 30 & 40 miles without seeing any house or hut yet near the Boundary that Country is full of Inhabitants which in my memory was considered by the Indians as their best hunting Ground such is their rage for settling far back.

The people inhabiting the Frontiers of this Province carry on a trade with the Indians by bartering rum for Horses, the Chiefs complained of this as the source of many disorders their young men being thereby encouraged to steal horses from the neighbouring Provinces besides the danger of committing outrages when intoxicated which may involve their Nation in trouble. These back Settlers pay little or no regard to Law or Government of which I beg leave to give your Lordship an Instance. One M<sup>r</sup> Summerhall who had formerly been in the Commission of the Peace by which means he became obnoxious to his neighbours was about a year ago taken out of his House by some of them who having stripped and tyed him to a Tree opposite to his own door whipped him severely upon which he commenced a prosecution against them when the Term approached they again seized and chained

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him to a post he had been seven days in this situation when his Wife came and implored my assistance. I applied to a person that chose to attend the Congress with the Cherokees who I understood to be a Captain of Militia and prevailed upon him to go and rescue Mr Summerhall which he effected. When I was at Augusta I received the enclosed Letter which I presume to lay before your Lordship as it may convey some Idea of the Magistracy as well as the People they govern in the back parts of this Country. Such is the state of the Police on the Frontiers of Carolina. In Georgia I found it still worse. People violently seized the Indians Horses in open day light the Magistrates were remiss in doing their duty I was obliged to send some persons who attended me to recover them by Force altho' I had no Authority.

The Indians detest the back Inhabitants of these Provinces which will account for the reluctancy with which they give up any part of their Lands being anxious to keep such Neighbours at a distance.

I beg leave further to observe to your Lordship that the Congresses being unattended by any of the Militia and there being no Patroles or guard any where in the Country through which such numbers of Indians passed had such an air of supineness and security as might have encouraged the Indians to execute their bad Intentions had they been possessed of any.

I have the honor of being &c

JOHN STUART.

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[B. P. R. O. AMERICA AND WEST INDIES. VOL. 273.]

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Letter from John Stuart Superintendant &c. to the Earl of Hillsborough.

CHARLES TOWN 3<sup>rd</sup> Jan<sup>ry</sup> 1769.

I humbly beg leave to represent to your Lordship the difficulties which have frequently arisen in the execution of my office from the uncertainty of the Rank in which his Majesty has been pleased to determine the office of Superintendant more especially when the Service renders it necessary that he should co-operate with Governors, their Councils and with officers in the Army.

As I disclaim all unreasonable pretensions I at the same time humbly desire leave to signify to your Lordship the necessity that the Superintendant should appear in the Execution of his office

with some rank because upon many occasions in treating with the Indians he is considered as his Majesty's Representative.

I beg your Lordship will be pleased to believe that the expediency of this humble representation is suggested by an earnest desire to facilitate his Majesty's service and obviate such misunderstandings as are incident to a competition for Precedency naturally arising when the Superintendants are to act jointly with the Officers of established rank and I entreat your Lordship will be pleased to signify to me his Majesty's Determination upon this matter that I may thereby be enabled to act on such occasions with propriety and precision for the good of his Majesty's service and the faithful discharge of my duty.

I have the honor My Lord &c

JOHN STUART.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Peter DeLancey, Esq, Post Master General, of the Southern Dist: of North America.

Brunswick, January 10<sup>th</sup> 1769.

It afforded me great satisfaction to receive by the first mail from the Southern post office your letter of the 2<sup>d</sup> of January. The directions communicated to you to carry the post (tho' but once a month) to Virginia will be very beneficial to this colony.

I am very willing and desirous to give every assistance in my power that may afford ease and security to this necessary service. I am obliged to you for your intelligence of the packet boats and mails for the future I hope I shall not have occasion to detain the mails now I am informed nearly of the time I am to expect them. I am to apologize to you for opening the post masters mail. His whole family were out of town and no directions left by him in his absence. Mr Lord will inform Mr Timothy that all the letters were accounted for that I took out. I sealed up the bags again, which Mr Lord coming to town the next day received. I was sorry to hear of your ill health, gentlemen of your robust constitution are not exempted from the tribute exacted by these southern latitudes. Mrs Tryon presents her compliments to you and joins with me in the assurance that we shall be very glad of the pleasure of seeing you at Brunswick, I have not the presumption to invite you here

for the recovery of your health, a blessing I hope may speedily be restored to you in the smoke of Charlestown.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough,

BRUNSWICK 10<sup>th</sup> Jan<sup>y</sup> 1769.

I was agreeably surprized yesterday by the arrival of a mail (the first sent to this government by authority) from Charlestown. Mr DeLancey post master general, for the southern district of North America acquaints me he has received, sometime ago, directions to establish a communication by post between Charlestown and Virginia once a month, which a long and severe sickness has prevented from executing, but as soon as his health will allow him will do his endeavours to finish this work. This will be carrying into execution the prayer of the petition and memorial inclosed for a general post through this province. However, as I received this petition and memorial at Newbern, during the last session of Assembly, I think it my duty to transmit it to your Lordship.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Lord Hillsborough.

BRUNSWICK the 10<sup>th</sup> January 1769

I have the honor to transmit to your Lordship under the Colony Seal, twenty one Acts passed last session of Assembly held at Newbern seventh of November and prorogued the 5<sup>th</sup> of December 1768. It may not be thought improper to make a few observations on the following Acts only

“An Act to amend and explain an Act entitled An Act for establishing an orthodox clergy.” This law was enacted in conformity to his Majesty's additional instructions forwarded to me by the Earl of Shelburne in 1767.

“An Act to amend and continue an Act entitled an Act concerning Vestries.” On this bill the provision for the ministers made by the Clergy law depends, as without a Vestry, they could have no

claim on anybody for their yearly stipend. The Vestry levies the parochial taxes, and the Church Wardens pay the salary to the minister. I was desirous to have this law made perpetual but could obtain it only for five years.

"An Act for establishing a Militia in this Province," Makes provision for pay to both officers and soldiers when called out on public service, and provides better regulations for the good order and discipline of the men than any former Act passed in this government.

"An Act to direct Sheriffs in levying Executions and the disposal of Goods and Chattels taken thereon." Enacted with an intention to secure debtors from being too much distressed by the suits at law of their creditors under the present scarcity of a sufficient medium of trade. I am doubtful if this bill is consistent with strict justice to the creditor tho' it may answer the above purpose.

"An Act for dividing the County of Mecklenburg and other purposes." Out of this County your Lordship may observe Tryon county is erected; as by examining the divisional line in the law with Mr Churton's map, it will evidently appear if the south branch of Catawba River is made the boundary between the two Carolinas, as proposed to me by Lord Charles Montagu I should loose my county and mountain, as by such a partition both would fall into the south government. I hope I have stated sufficient objections to this division in my letter to your Lordship N<sup>o</sup> 10.

"An Act to encourage the importation of British copper half pence," Will facilitate the purchase of small articles; at present a four penny proclamation bill is the lowest charge.

"An Act for making provision for the payment of the Forces raised to suppress the late Insurrections on the Western Frontiers, providing for the Public Claims and for the more easy collecting the annual Taxes of government," Was ratified on Monday the 5<sup>th</sup> December last, whereas all the other bills were ratified the Saturday preceding, and occasioned by the following incident. On Saturday the third of December I rejected the bill inclosed intituled "An Act to expedite the collecting of public Taxes, defraying the charges of government and other purposes," By reason that it was in manifest violation of the express letter of the Act of Parliament prohibiting an emission of paper currency in the Colonies with a legal tender. I had no sooner returned home from the Council Chamber than one of the gentlemen of the Assembly waited on me with a verbal message from the Speaker, signifying that if I would

point out all the objections that induced me to reject the above bill, the House was willing to take the same into consideration and to obviate them. I desired Mr Speaker might be informed I would point out the objections I had to the said bill and send them to him, in consequence whereof the bill for making provision for the payment of the forces raised to suppress the late insurrections on the Western frontiers, providing for the public claims and for the more easy collecting the annual taxes of government, was brought into the House, read three times, passed and ratified on Monday the 5<sup>th</sup> of December. Should this Act appear to strain on an article of his Majesty's instructions which forbids the passing of any Act of an unusual and extraordinary nature without a suspending clause, I am in justification of such seeming breach of duty to assure your Lordship, it was from a principle of justice to his Majesty's service, that determined me to pass this bill. On the one hand, I was sensible and it was no secret in the country that many of the volunteers, who stood up in arms in support of the laws of the country had declared if they did not get their services allowed by the General Assembly they would be as indifferent about Government as the insurgents, and that they would turn out no more in the same cause; on the other hand had these troops and Commissaries received no security for the discharge of their services it would have raised the hopes and expectations and much forwarded the intentions of the discontented through the whole government. It was therefore, my Lord; on principles of public good and a sense of the justice due to the troops that my conduct was governed in this instance, A conduct I most humbly submit to his Majesty's wisdom.

"An Act for vesting the School House in Edenton in Trustees," I rejected not esteeming the words, "With the approbation of his Excellency the Governor or Commander in Chief for the time being" in the Commissioners' appointment of the school master, so full and comprehensive as the qualifications pointed out in the third clause of the School Bill for Newbern passed in 1766, Viz, "Provided always that no person shall be admitted to be Master of the said school, but who is of the established church of England and who at the recommendation of the Trustees or Directors or the majority of them, shall be duly licenced by the Governor or Commander in Chief for the time being." Should your Lordship judge the above objection immaterial, I imagine there will be no difficulty in getting the bill reenacted next session, if your Lordship will honor me with

your sentiments and the return of the bill. Though these institutions are extremely wanted in this Colony yet the foundations of them cannot be too securely laid by the Legislature.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Lord Hillsborough.

BRUNSWICK 12<sup>th</sup> Jan<sup>y</sup> 1769.

It is with a singular pleasure I am able to inform your Lordship the house building at Newbern for the Governor of this province is covered in and roofed. The plumbers work was executed by an able hand sent purposely over from London, He made use of eight ton of lead. The frames and window sashes are fixed up and the joiners now at work on the inside of the house. Both the wings or offices are likewise roofed and shingled a covering when well executed and painted, more beautiful than slate or tyle. The sashes for these offices are come in from England and will soon be fixed up. Four of the principal chimney pieces are arrived also from London, with the hinges, locks, and other articles necessary for the finishing this much admired structure. As I think there is great elegance both in the taste and workmanship in the chimney piece for the Council Chamber, I take the liberty to inclose you the description. As prosperous and successful as this work has been carried on, and I flatter myself will proceed with similar dispatch, there is something still wanting to make the whole complete and of a piece. It is, my Lord, furniture and plate, suitable to the simplicity and unornamented beauty of the building, what furniture I have here, has been so abused, that it would disgrace even the upper story of the edifice. I therefore beg leave to apply to his Majesty's munificence for these necessary interior conveniences and ornaments. An extention of his Majestys liberality on this occasion would I am persuaded, be most gratefully received by the province, be a convincing mark of his royal approbation of their public conduct, and remain with the edifice, as a testimony of his Majestys unbounded generosity, and correspondent to the splendor of his time

Your Lordships good offices in promoting this petition of his Majesty's Governor to the Throne will gratefully oblige

Your Lordships most devoted &c



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For the Council Chamber in the Governor's House at Newbern in North Carolina.

A large statuary Ionic chimney piece, the shafts of the columns sienna and the frett on the Frieze inlaid with the same. A rich edge and Foliage on the Tablet; medals of the King & Queen on the Frieze over the Columns, the mouldings enriched, a large statuary marble slab and black marble covings.

Mess<sup>rs</sup> Devol & Granger *fecit*.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Letter from Sam<sup>l</sup> Johnston to Alexander Elmsley, London.

EDENTON 21<sup>st</sup> Jan<sup>ry</sup> 1769

DEAR SIR

It gives me pleasure to find by yours of Sept<sup>r</sup> and Oct<sup>r</sup> last, both which are come to hand, that your Passage was so agreeable and that nothing has happened contrary to your expectations, what you say of the Genius of the English I believe to be strictly true and yet was it not for their particular dislike to Scotsmen which must proceed from a low Spirit of Envy, I could be pleased with their disposition in other respects, for if I am not much mistaken in my Observations on Mankind those who are at first sight somewhat difficult to be acquainted with do not make the worst friends, whereas those who are of a more pliant and easy texture of mind and readily insinuate themselves into the good Opinion of all Strangers soon grow weary of an Acquaintance which affords them nothing new and after having exhausted their stock of Compliments which has perhaps been prostituted ten thousand times before and gratified their Curiosity leave you for the first new face that offers; there appears as much difference to me between the two Characters as between a kind tender and affectionate Wife and a light gay agreeable Mistress; with the one I would choose to live, with the other only occasional rencounters — but you'll pardon my troubling you with reflections which you are much better qualified to make yourself; It will always give me pleasure to hear of your happiness and shall think myself indebted to you for your Observations on any thing that may appear new to you in that Country

I am much obliged to you for the trouble you have taken ab<sup>t</sup> Jackson's Bills. The reason I suppose of my Letter's not having

come to your Brothers hands from Charlestown is that I directed it to be sent with the first remittance and it is probable that M<sup>r</sup> Laurens has not yet received anything from M<sup>r</sup> Saxby. I have by different ships sent your Brother the following Bills Viz<sup>t</sup>. Edw<sup>d</sup> Clodd on John Barnard of Ipswich for £45 Sterlg. Francis Lott on George Metcalf London for £55—Cullen Pollok on Bridgen & Waller for £244 2—Hector M<sup>c</sup>Neil on John Dunlop for £24 10 and now send him Young Miller & C<sup>o</sup> on John Alston & C<sup>o</sup> for £69 14 The whole amounting to £438 6 Sterlg. and shall continue to trouble him as often as I can get Bills to purchase unless he forbids me. I have had very bad success in collecting your Debts tho' made repeated applications I intend soon to bring Suit ag<sup>st</sup> everybody who is able to pay.

The Gov<sup>r</sup>s Expedition to Hillsborough last Summer occasioned an expence to the province of upwards of £4000 This at the last Session of Assembly afforded a pretext of emitting Notes of Credit to the amount of £20,000 which tho' they are not a tender in payment will answer the purposes and have the effect of a Currency, There is likewise an Act for the Valuation of Lands and Negroes taken in Execution much on the footing of the last. These were the only Acts of Consequence—The House behaved with great pusillanimity with regard to two Letters laid before them by the Speaker the one from the House of Representatives in Boston the other from Virginia it is true they were read but there was no order taken on them and only a Verbal direction to the Speaker to answer them. An Address to his Majesty was prepared relative to the Revenue Acts and M<sup>r</sup> M<sup>c</sup>Culloh named the Agent to present it and transact other affairs relating to the province. I was so ill as not to be able to attend the House they notwithstanding nominated me one of the Committee of Correspondence but their proceedings were so very inconsistent with my sentiments that I refused to join in it and believe the Address will never reach your side of the water.

No Alterations of consequence have happened among your acquaintance here since you left us. My Sisters join in Compt<sup>s</sup> to you and M<sup>rs</sup> Elmsley and are very thankfull for their laces which however are not yet come to hand, I hope to hear by your next of Johnny's being perfectly recovered. If you receive any Cash for me I should be glad of two Hogsheads of the best Porter if any Oppertunity to [ship to] Edenton A Vessel of Lockhart's will sail in a few weeks by which I will write to you and my other friends.

[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

BRUNSWICK 10<sup>th</sup> Feb<sup>r</sup> 1769.

The Resolve passed the two Houses for sinking three shillings of the four shilling sinking tax I also rejected, the laws for the raising those sums not being yet complied with, which directs that the £12,000 raised by Act of Assembly in 1760 and the £20,000 raised in 1761 shall be paid in and burnt, before the above taxes cease, which is evidently not the case, there being some of both those emissions now in circulation, and which cannot otherwise be sunk under the present restriction of the Act of Parliament prohibiting the emission of paper currency in the colonies.

The bill brought in for the encouragement of an Iron Manufactory within this province fell in the Council. It was intended I understand, in favor of some gentlemen in Maryland who are going to erect an iron manufactory on Trent River about thirty miles above the Town of Newbern. The proprietors have already built a grist mill and a saw mill for the use of the workmen, and iron works, The ore is estimated good, and sufficient in quantity: If this project is carried into effect I shall endeavour to inform myself of the particulars of its operation and report them for his Majestys information.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

BRUNSWICK the 11<sup>th</sup> Feb<sup>r</sup> 1769.

I beg leave to refer your Lordship to the written list in order to observe the quantity of land granted in Tryon County at the last court tho' but a very inconsiderable part of what has been granted by this government, while that county was part of Mecklenburg. This circumstance I trust will have its weight among the objections I made against the partition line proposed to me by Lord Charles Montagu, between the two Carolinas.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to the Earl of Hillsborough.

BRUNSWICK 25<sup>th</sup> February 1769.

The disappointment I experienced in not obtaining from the Assembly a provision of powder and lead for his Majesty's service and the defence of this Government gave me real concern, from a conviction of the importance of those articles and the defenceless state of this Colony for want of them.

The Resolve for the appointment of Mr Henry Eustace M<sup>c</sup>Culloh as Agent to this Colony I should have had no objection in assenting to, had the resolve reached me: It dropped in the Council. The opinion of the Lords of Trade declared in their letter to Governor Dobbs bearing date April 14<sup>th</sup> 1761, has been the rule of my conduct in the mode of the appointment of an agent. I could wish it might be understood how far his Majesty would have his Council share in the nomination of the person to be appointed Agent. This would settle the difference of opinion on a particular which has caused the principal obstruction during my administration to the legislative appointment of an Agent.

The Assembly's request to me to undertake agreeable to the resolve of their house January 1768, the commission for providing proper materials for the paper currency, has induced me to renew my solicitation to Mess<sup>rs</sup> Drummond to provide the above materials, if his Majesty and his Parliament should grant a dispensing power to this Colony to emit the sum petitioned for. The same reasons subsist for the necessity of a larger medium of trade for this province that was set forth in my letter to Earl Shelburne of the 2<sup>nd</sup> February 1768.

Many good ends I am persuaded would flow from the grant of this petition, particularly if it should be made a stipulation that the new emission should be exchanged for that now in circulation, and the whole of the latter to be burnt as soon as collected in: it is estimated, as appears by a return I shall send your Lordship that upwards of fifty thousand pounds of paper currency is now in being, therefore by buying up and sinking this sum, there would be an addition of only fifty thousand pounds currency in circulation, by obtaining the grant to the said petition which would not be an over

proportion to the increase of the inhabitants in this province, since the former emissions. I should not presume, my Lord, to urge the necessity of this emission after the full measure in which your Lordship has wrote to me on the subject, if I did not clearly see the great and beneficial effects that would be communicated to this Colony by a new emission.

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[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Hillsborough

BRUNSWICK 27<sup>th</sup> Feb<sup>r</sup> 1769.

I have the honor to transmit to your Lordship inclosed a state of the several sums of paper currency emitted in this government, and also an account, as correct as it could be obtained, of that which has been paid into the Treasury and burnt, for sinking the same, by which it appears, that there is now existing the sum of £58,535 14 2 proclamation bills.

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[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to The Reverend Mr Daniel Burton,  
Secretary to the Society for the Propagation of the Gospel

BRUNSWICK, 20<sup>th</sup> March 1769.

I have the pleasure to acknowledge the receipt of your letters of the following dates Viz, 2<sup>d</sup> March & 10<sup>th</sup> November 1767. 28<sup>th</sup> April and 17<sup>th</sup> December 1768. The Reverend Mr Morton whom you mention in the first has left this province upwards of two years and settled in Virginia. I am told he is well married. His conduct in Northampton County, where I had inducted him was exemplary and his departure much lamented by his parishioners.

The grievances you inform me Mr Stuart complains of, shall meet with every redress in my power.

I entertain the properest sense of the handsome offers made me by the Society in favor of the Reverend Mr Agar, They have been communicated to him at Nottoway Parish in Virginia. By his undetermined answer, I discover he does not think it an object for him to change his situation while he remains in America, I must

therefore desire the Society may extend the salary to the Reverend Mr Wills, which they so generously intended for my friend Mr Agar.

Mr Barnett has left Brunswick and gone to Northampton County, into the parish of which county I propose to induct him on his waiting on me again. I had in a former letter mentioned my postponing Mr Barnetts presentation in Brunswick county till St Philips church was far enough advanced to have divine service performed therein. Upon Mr Barnetts consecration thereof last summer I acquainted some gentlemen of the county (as I had heard some whispers of discontent) that I should give Mr Barnett letters of presentation. The Church Wardens some time after called a Vestry, and the question being put whether they were for a minister being inducted, it was carried in the negative. This step I assured Mr Barnett should not divert me from exercising the just right of the crown delegated to me and I was ready to induct him into St Philips parish. He well knew, he said, it was contrary to the intentions and desire of the inhabitants in general to have an inducted minister, and that was he to accept of the presentation he was conscious his stay would be made uneasy, if not unhappy to him, and consequently deprive him of rendering the duties of his office beneficial to his parishioners, for these reasons he said if agreeable to me, he would prefer Northampton County, I acquiesced and he accordingly set out for Northampton the end of December last. I desire his mission may be continued to him

The Reverend Mr Cramp at present officiates at Brunswick. He has promised me he will not stay in this government on any terms than induction from me I have urged him to accept of presentation to this parish, his answer was "they will starve me, for none like the inducted parson." I have offered to advance him what money he may want for his support, till the right of presentation is determined in a course of law, and the salary that is detained recovered from the Church Wardens, as I told him I was sure he would have every support of the Society, on so important an undertaking. He is at present ill of the gout, and I hear inclined to return to England.

The Reverend Mr Hobart Briggs I have inducted into Duplin County, having just recommended him to the Vestry to which reommendation they paid little regard. It is yet a doubt if his residence will be made agreeable to him. I have however obtained for

him a very warm patron, the Honble Col<sup>o</sup> Sampson, one of His Majesty's Council for this province who lives in the county.

The Reverend Mr M<sup>c</sup>Cartney is not yet fixed to any parish as he desired three or four months time before presentation in order to form a judgment where he could live with most satisfaction and advantage to himself and family.

That you may be informed agreeable to your desire of the circumstances of the parishes in this colony, I shall herewith transmit to you a list of the counties, the names of their parishes (each county forming but one parish) and the capacity of their supporting ministers, agreeable to the provision made for them in 1765. The people of this country from the variety of sectaries on one part, and a too general neglect of religion on the other, are uneasy under the provisions of the Clergy Bill passed in 1765, and which I got further explained by the amendatory Act (I now inclose) passed last session of Assembly.

Some Vestries idly imagine the power of presentation is still vested by implication in them; because say they, neither the Crown nor the Governor is in express words declared to have the right of presentation. I purpose to bring this matter on some future occasion to tryal that they may be convinced of the obstenacy and error of such a notion, since I find in some parishes, candid argument will not avail.

The inclosed letter from the Reverend Mr Fiske will state the ungenteel and cruel treatment he has received from his parishioners, I recommend him to sue the Church Wardens and Vestrys for his salary. I am told his parish is full of quakers and anabaptists, the first no friend, the latter an avowed enemy to the mother church. It is certain the preeminence the Church of England has obtained over the sectaries by legislative authority has drawn upon her their jealousies. The disturbances in the province have inspired no religious sentiments among us, and the difficulty of raising the taxes for want of a medium to pay them, makes many parishes very slack to encourage public worship.

It is really my opinion this province under its present circumstances cannot experience the full benefit of the establishment of the clergy, unless they receive other support than the provisions in the Clergy Bill.

A minister who embarks for this province is separated (perhaps forever to every beneficial purpose) from his friends and connections.

at home: There is no gradations of church preferment here, the only distinction is some little difference in the emolument of surplice fees, in proportion to the number of white inhabitants. This circumstance may carry along with it an advantage as it will serve to raise an emulation among the clergy, for human industry is generally excited by future prospects of reward in this world, as well as by their hopes of greater in the next.

The infancy of the established religion in this province is undoubtedly the period and crisis for setting the Church of England here on a solid basis. We have laid a more firm and permanent foundation than any other colony can boast, she now stands in need of the utmost assistance of her friends to raise the superstructure. Upon these considerations I trust the Society will not withdraw the missions of £50 per annum from those gentlemen who now enjoy them, but rather exert every other aid in their power to facilitate the propagation of the gospel here. The bounty of the Society of £20 per annum for two years to every minister coming out to this province is certainly of real service: If it could be continued for a longer duration it would be more beneficial. This additional munificence possibly might exceed the limits of the Societys economy I do not presume to set bounds to their liberality, my intention is singly to represent what encouragement I judge would most effectually promote the cause of religion and consequently the felicity of the inhabitants of the colony.

That the Society may be informed of the share the Reverend Mr Micklejohn took to quiet the minds of the people, during the disturbances in this country, I send you inclosed the sermon he preached to the troops at Hillsborough: A discourse that gave great satisfaction as it was well adapted to the then situation of public affairs. I also transmit you the Presbyterian ministers address to their flock: The good effects of the principles they inculcated I had the happiness to experience, services I shall ever gratefully remember.

The Presbyterians and Quakers are the only tolerated sectaries under any order or regulation, every other are enemies to society and a scandal to common sense.

I shall conclude this long letter with requesting the favor of you to present my respects to the Society, with assurance of the high sense I entertain of their indulgence to my recommendations and the great attention with which they have always honored my proposals: testimonies I flatter myself will be continued to co-operate with my



exertions in the advancement of religion. I shall only add the distractions in this province and the death of my only son have been attended with much anxiety and affliction to —

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[B. P. R. O. AMERICA & WEST INDIES. N. CAROLINA. VOL. 216.]

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Letter from Earl Hillsborough to Governor Tryon

WHITEHALL 1<sup>st</sup> March 1769.

I have received and laid before the King your several Letters from N<sup>o</sup> 7 to 14 and I have the pleasure to signify to you His Majesty's entire satisfaction in the Measures you have pursued for the suppression of the Insurgents in the interior parts of your Province, The early and active Vigour you have exerted in opposition to the dangerous designs they had meditated cannot be too much applauded. Their disappointment is justly to be attributed to it, as by your dispatch and Resolution you prevented the Party from gathering that strength which would probably have been the effect of delay and Indecision, and might have produced total Anarchy and Confusion in your Province. I had too much satisfaction in expressing His Majesty's approbation of your Conduct upon this Important occasion not to make it the beginning of my Letter; give me leave now to assure you of my concern that you have suffered so much in your Health from this expedition, but I hope soon to hear that you have perfectly recovered it.

The Conduct of the Assembly with regard to the Circular Letters as stated by you gives great satisfaction to the King; His Majesty is also much pleased with their approbation of your Conduct so highly honourable to you, and trusts that this approbation and the Resolution of both Houses of the Assembly to support the Constitution will have the effect to discourage these Licentious disturbers of the Public Peace for the future. It is in truth unaccountable that they should chuse to seek by Force the Redress of any real Grievance which they are sure to obtain from the Justice and Moderation of His Majesty's Government, a recent example of which has been afforded to them in the Prosecution of the Register and Clerk of the County for taking exorbitant Fees; Some such instances of severity as these tempered with that Lenity you have shewn to those of the deluded Insurgents who have been the objects of Public Prosecutions,

cannot fail of rendering your Administration respected & beloved, and the better to enable you to carry these Measures into execution, I have it in command from the King to acquaint you that, relying upon your Zeal and Discretion, His Majesty is graciously pleased to comply with your desire of making the Proclamation of Pardon General, except with regard to Herman Husbands, and of extending it to fines in all such Cases as you shall judge to be expedient and advisable for the Complete restoration and better preservation of the Peace of the Province.

The King observes with great satisfaction the advantageous Report you make of the steady behaviour of the Troops employed in the suppression of the Insurgents, as well as of the Dutiful Zeal and Loyalty of the Presbyterian Ministers testified by their proper Admonitions to their several Congregations, and his Majesty is pleased to direct you to signify to them His gracious approbation of their conduct in having co-operated with you in those Measures, by the prudent and vigorous Execution of which, under God, the Public Peace of the Colony has been restored, and the Miseries with which it was threatened have been happily averted.

I am fully convinced as well from what you say in your Letter N<sup>o</sup> 10 upon the Subject of the Boundary Line with South Carolina as from what was stated to the Board of Trade, when the last determination upon it was made, that it is highly expedient to extend that line further to the westward. I have received the King's commands to refer this matter to the consideration of the Board of Trade, and so soon as their Lordships shall have made their Report, will not fail to transmit to you His Majesty's directions thereupon.

I sincerely wish that the Assembly in the new Petition which they have prepared for an Emission of Paper Currency, may have formed their request in such a way as to admit of that favourable Consideration which you are so desirous should be given to it. The Commendable Conduct of the Assembly in the present disturbed situation of North America disposes His Majesty to shew them every indulgence in His Power, & the tranquility and support of your Administration are objects which you are well entitled to expect should be attended to by Government; you must however be sensible from what I have already wrote you upon the subject of Paper Currency, that it is not in His Majesty's Power to dispense with the Act of Parliament respecting the Legal Tender, and therefore no Petition that prays for Paper Currency as a Legal Tender can meet with the success

you wish. If the Assembly shall from what they may have learned of the advantages which have accrued to the Colonies of New England and Maryland from Establishing a Paper Currency upon a just foundation of Credit without making it a legal Tender, be inclined to adopt the same maxims, their Proposition will undoubtedly be received and considered with the greatest attention and every Indulgence allowed them that shall appear to be for the real and permanent Interests of the Colony.

I now come to your recommendation of Captain Collet, and I am much concerned that I cannot see in what manner I can be Instrumental to his service, which both from the avowed Merit of the Gentleman himself, and from your strong recommendation of him, I should be much inclined to; besides that I have heard of some circumstances which (if true) give the Captain great reason to complain, But the Increase of the Establishment of the Fort, or the raising an Independent Company to Garrison it, appear both of them to me, to be expenses unnecessary for the Public, & I therefore cannot recommend them to the King, and the Offices on the Establishment for public surveys are all full, nor would any of them, save the principal, be worth his acceptance. I hope to see the Captain again, and if upon further Conversation I should find that I can be useful to him it will give me great pleasure.

I am &c.<sup>a</sup>  
HILLSBOROUGH.

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[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF STATE.]

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NORTH CAROLINA }  
Rowan County }

Know all men by these presence that We Thomas Frohock John Frohock & Edm<sup>d</sup> Fanning & John Mitchell of the County and province aforesaid are held and firmly Bound unto our Sovereign Lord the King his heirs and successor in the Just and full sum of Two Thousand pounds proclamation money for which payment well and Truley to be made We Bind ourselves our Heirs Executors & administrators jointly & severaly Firmley by these presence sealed with our Seals and dated this sixth day of March in the Ninth Year of Our Reign — A D. 1769.

Whereas Thomas Frohock hath Received an Appointment from the Honourable Martin Howard Esquire Chief Justice of the province aforesaid dated the Fifteenth day of December 1768 thereby constituting and Appointing him the said Thomas Frohock Clerk of the Superior Court for the District of Salisbury during his pleasure Now The Condition of the above Obligation is such that if the above Bounden Thomas Frohock shall safely keep the records of said Court and faithfully discharge his duty in said office Then the Above Obligation shall be Void otherwise Remain in full force & Virtue

THO<sup>s</sup> FROHOCK  
JOHN FROHOCK  
EDM<sup>d</sup> FANNING  
JOHN MITCHELL

Sealed & delivered in the presence of  
RICH<sup>d</sup> HENDERSON

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[FROM THE COURT RECORDS OF ROWAN COUNTY.]

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NORTH CAROLINA }  
Salisbury District }

At a Superior Court of Justice begun & held for the District of Salisbury at the court-house on the seventh day of March in the 9<sup>th</sup> year of our reign A. D. 1769.

Present

The Hon Richard Henderson Esq,

Thomas Frohock Esq produced a commission from the Hon Martin Howard thereby constituting and appointing him the said Thomas Frohock Clerk of the superior court for the district of Salisbury during pleasure bearing date 12<sup>th</sup> day of December 1768, and give bond & security according to law with John Frohock, Edmund Fanning & John Mitchell securities & dated the sixth day of March 1769, which was acknowledged in open court, Then the said Thomas Frohock took the oaths by law appointed for that purpose, repeated and subscribed the test and was admitted into the said office,

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to The Lord Bishop of London.

BRUNSWICK 20<sup>th</sup> March 1769.

I had the honor of your Lordships letter bearing date the 21<sup>st</sup> of November 1767 delivered to me by the Reverend Mr Cramp the 21<sup>st</sup> of October last, I entertain a favorable opinion of the moral character of that gentleman; I am apprehensive he will not stay long in this province, his corpulency and gouty habit of body seem to discourage him from accepting of any parish. He has officiated at Brunswick since Mr Barnetts removal to Northampton County, for reasons set forth in my letter to Doct. Burton of this date, to which I beg leave to refer your Lordship. You will therein be acquainted of the difficulties the clergy labor under in some particular parishes.

As the Reverend Mr Wills is now in England I doubt not should he return to us, but he will obtain and bring out with him your Lordships licence. I shall be very cautious, my Lord, in presenting any clergyman who does not produce your testimonial; should any accident bring ministers here without such permission, I may probably make application on their behalf, should their conduct merit such recommendation though I discourage (whenever opportunity presents itself) the merchants sending to their correspondents for clergymen. I tell them I have the good offices of both your Lordship and the Society to encourage and recommend ministers who are properly qualified to come to this country.

Mr Casgreve is gone to the southern [province], I hope he never will return to us. He is a scandal and a disgrace to his order. It is reported that Mr Stephens has obtained ordination orders and is at present Chaplain to a Man of War. Is this the fruit of national importunity.

I take the liberty herewith to transmit to your Lordship a sermon of Mr Micklejohn, and a news paper containing a letter and address, from the Presbyterian ministers, all of which had most salutary effects on the complexion of the times. My speech to the Assembly inclosed will shew your Lordship how attentive I have been to carry his Majestys additional instructions into execution, relative to the clergy: The bill that passed the Legislature in consequence thereof a copy of which I have the honor to present to you, will testify the success

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[B. P. R. O. AM. & W. INDIES. VOL. 273.]

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Letter from the Earl of Hillsborough to Mr Stuart Superintend<sup>t</sup> &c.

WHITEHALL March 24<sup>th</sup> 1769.

It will at all times be most agreeable to me to be able to promote your wishes in any thing that may be acceptable to you or that you think may facilitate the service with which you are entrusted but I am not without my apprehensions that the giving any particular Rank to the office of superintendant more especially in the Military line will be attended with insurmountable difficulties and objections. If however you think that the Superintendants being appointed an extra Member of the several Councils in the district for which he acts may be of any use or advantage I will not fail upon your report to take the sense of the Lords of Trade upon such an arrangement of whose acquiescence in it I have doubt.

I am &c  
HILLSBOROUGH.

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[B. P. R. O. AM. & W. INDIES. VOL. 216.]

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Letter from Earl Hillsborough to Governor Tryon.

WHITEHALL, March 24<sup>th</sup> 1769.

I am extremely glad to find that the establishment of a Post thro' your Province is so agreeable a circumstance to the Members of the Council and other principal Persons; and I have the more pleasure in their approbation, as I myself proposed and directed that measure, when I had the honor to serve His Majesty in the station of Post-master General.

I have not failed to lay before the King what you suggest, in your letter N<sup>o</sup> 17, of the propriety of having the House built by the Province for the residence of His Majesty's Governor, furnished at the King's expence.

Upon this occasion I have the King's Commands to acquaint you, that, though His Majesty is desirous of shewing His Grace and Favour to the Colony of North Carolina, by gratifying His Subjects there in every just and reasonable request, and particularly when it comes recommended by a Governor whose administration is so

entirely approved by His Majesty; yet the King does not think fit to comply with their desire in this respect as it could not be done without establishing a Precedent, that would probably be the foundation for applications of the like nature from every other Colony.

I am &c<sup>a</sup>  
HILLSBOROUGH.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to John Stuart Esq. Superintendant &c.

BRUNSWICK the 28<sup>th</sup> March 1769.

It gives me much concern to learn by your letter that many hunters on the western frontiers of this province make frequent incursions into the Cherokee Hunting Grounds and destroy their game, Evils which, as you justly observe may terminate in an open rupture, if measures are not taken to prevent such abuses. My most active endeavors have been engaged to prevent every possible injustice being shewn the Cherokees, and I flatter myself they are sensible. I am their friend. The difficulties that arise in my administration for want of the boundary line being closed between the Carolinas are various, and the disorders you mention are in the number of them. I have urged in my letters to his Majesty's Secretary of State the necessity of this partition line being speedily executed, for as long as the boundary remains undetermined from the eastward of the Catawba lands (where it terminated by a line run in 1764) to the partition line of North Carolina and the Cherokee nation, the inhabitants in those parts must continue in a great measure, in a state of disobedience to all government. I shall lay your letter before his Majesty's Council the first opportunity and consult if any check can be put to the abuses you mention, and of which I have the utmost abhorrence.

Juds Friend the Young Warrior and five other Cherokee Indians paid me a visit last January. I then asked them if they had any complaints against the frontier settlers of this province, they answered none: they had been long from their nation, so possibly might not have heard of the depredations of which you have received intelligence. The young Warrior was very desirous of going to pay his Majesty a visit, and said he wanted a minister in their nation to lead them into light. Those inclinations I recommended him to commu-

nicate to you as the proper channel for soliciting the accomplishment of such desires. If they make me another visit they should arrive while the General Assembly is sitting, I should then recommend them to the liberality of that body.

I am Sir &c.<sup>a</sup>

[N. C. LETTER BOOK S. P. G.]

Letter from M<sup>r</sup> Jones to Governor Tryon

LONDON March 29<sup>th</sup> 1769

MAY IT PLEASE YOUR EXCELLENCY, \

After a more tedious confinement on Sea than I expected I arrived at Liverpool (for want of a Ship bound to any other port of England) where I was taken ill, and lay two months in the most dangerous situation, of the Dysentery, so that my Board together with the Doctor's Bill exhausted me of that little I expected to live upon during the time I should be obliged to tarry in London, which the Reverend George Micklejohn informed me would not exceed two months at longest; so soon as I was capable of walking about I left Liverpool to come here on foot, but being unaccustomed to walk far at a time, my feet bled and were extremely sore so that I could not walk more than 10 miles per day, and being without money I sold my cloaths for less than quarter value to travel upon, and for the 4 last days of my Journey, I lived upon a penny a day, immediately upon my coming into London, I presented to the Bishop the Letter which your Excellency was pleased to direct to him, who informed me that it was insufficient to obtain the End of my coming over, as well as a recommendation I had signed by the Vestry of Orange, viz<sup>t</sup> Maj<sup>r</sup> Lloyd, Tho<sup>s</sup> Heart, Dav<sup>d</sup> Heart, Rob<sup>t</sup> Lyth, Jas. Watson, Mark Morgan and Francis Nash, and that if he ordained me upon those alone he should render himself answerable for my maintenance — M<sup>r</sup> Micklejohn's Letter to Doctor Burton is of no more service than if I had never had such a thing, for D<sup>r</sup> Burton says that he has but a very superficial acquaintance with M<sup>r</sup> Micklejohn and can do nothing for me upon his recommendation. What to do in this deplorable situation I could not tell; here I was far from my native country, destitute of friends, relations, money and employment to support me; the Devil that great Foe to Men and who is unwearied in his attempts to ruin their precious, immortal



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Souls was not neglectful of making use of this opportunity, and I am greatly apprehensive would have accomplished his End, by causing me to be guilty of that fearful crying sin, Suicide, had I not luckily have heard of Miss Tryon and then of Capt<sup>n</sup> Collet who immediately relieved me in that despondent despicable, and indigent situation, but still I am not likely to succeed, unless your Excellency will be pleased to inform my Lord, that if he will ordain me your Excellency will provide me with a place, upon the reception of which Information my Lord has promised to ordain me. I blush to ask so great a favor of your Excellency, especially as I have done nothing to merit it, but as it is the only method by which I can succeed, as I have sold all in North Carolina, and assigned my place there, as my motive to enter into Ecclesiastical Orders was not worldly Lucre, but by purity of Doctrine, and the leading of an exemplary Life, to be serviceable to those of my fellow mortals who are brought up in so much ignorance of the true Religion and great disaffection to Government, and as I have ventured my Life, come into a strange country and suffered almost beyond conception, I am compelled [a word quite unintelligible] to solicit your Excellency in the most importunate manner, to inform my Lord that if he will ordain me to preach the Gospel, your Excellency will make provision of a place for me,

I am your Excellency's &c.

EDWARD JONES.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

BRUNSWICK 31<sup>st</sup> March 1769.

I have received your Lordships letters N<sup>o</sup> 18 & 19. The first signifies his Majestys pleasure that I do not communicate any copies or extracts of such letters as I may receive from his Majestys principal Secretary of State, unless I have his Majestys particular directions for so doing; this injunction I shall carefully observe.

The former indulgence of communicating that correspondence, exercised on particular local circumstances, and with discretion proved often beneficial to his Majestys service. There are times, my Lord, when the utmost ingenuity will scarce satisfy, and men, who will not be convinced without demonstration.

His Majestys speech and the addresses of both Houses came inclosed in your Lordships letter of the 15<sup>th</sup> November 1768 N<sup>o</sup> 19. Such glorious testimonies on the part of the Sovereign and such firmness and unanimity expressed in the addresses, in support of so essential a branch of legislation as the supreme legislative authority of Great Britain over every part of the British empire, must fill the breast of every loyal subject with gratitude and affection: Equitable and proper measures will not fail to disappoint the wicked intention of all who industriously strive to disturb the repose and felicity of the British dominions.

I thank you, my Lord, for your communication of the happy increase in their Majestys royal family, by the birth of a princess; an intelligence that afforded me much satisfaction, tho' I received it while under affliction for the death of my own son.

Agreeable to his Majesty's royal permission I shall at the next session recommend the appointment of an Agent to transact the affairs of this province at home and shall observe in that business the mode your Lordship prescribes. The obstruction that has chiefly prevented such an appointment is mentioned in my letter N<sup>o</sup> 23 which I wish may be taken into consideration.

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[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

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### COUNCIL JOURNALS.

At a Council held at Brunswick 14<sup>th</sup> April 1769

Present

His Excellency the Governor

The Honble {	James Hasell	Benjamin Heron	} Esquires
	Lewis DeRosset	and	
	Willam Dry	Sam <sup>l</sup> Strudwick	

His Excellency laid before this Board a Copy of a Treaty transmitted to him by John Stuart Esq<sup>r</sup> His Majestys Agent and Superintendant of Indian Affairs in the Southern district, Ratifying and Confirming several Cessions to His Majesty at different times by the Cherokee Nation of Indians of certain lands lying within the limits of the Provinces of South Carolina, North Carolina and Virginia dated at Hard Labour in the Province of South Carolina the 14<sup>th</sup>

day of October 1768— And also a letter he received from the said John Stuart Esq<sup>r</sup> dated Charles Town 16<sup>th</sup> February 1769, respecting complaints He received by the Cherokees of numerous bodys of hunters from North Carolina having this year infested their hunting Grounds and destroyed their game— with his Excellency's answer thereto dated the 28<sup>th</sup> March 1769— These papers being read His Excellency desired the opinion of this Board, what measures ought to be pursued to prevent the continuation of those abuses— This Board gave it as their Opinion, That His Excellency recommend to the Assembly at the next meeting the passing of an Act to prevent such Abuses for the Future, but that they conceive no act will operate effectually until the Temporary Line between this Province and South Carolina be compleated.

Ordered that the Treaty before mentioned between Superintendent on the part of his Majesty and the Cherokee Chiefs be recorded in the Secretary's Office.

His Excellency laid before this Board a letter of complaint signed by sundry persons in Tryon County setting forth some irregularitys and disputes concerning the Jurisdiction of Magistrates on the frontiers of this Province and South Carolina and desired the opinion of this Board thereupon. It is their opinion that the Jurisdiction of the two Provinces in that quarter cannot be ascertained nor the irregularitys and disputes prevented, until the dividing line be established.

His Excellency communicated to this Board that he had received a complaint from John Ross that the Sheriff of Granville County had seized upon execution his wagon and horses while employed in His Majesty's service as a baggage wagon to the Granville Militia. His Excellency desired the opinion of this Board upon this subject. This Board considering it as a precedent that may be detrimental to His Majesty's service, recommend to His Excellency to direct the Attorney General to take the legal method for procuring the Complainant Redress.

His Excellency laid before this Board a letter from John Lea Sheriff of the County of Orange, representing that he had been severely whipt by Ninian Hamilton, Samuel Devenny, Jesse Pew, one of the Fields, and another man to him unknown, while he was going to serve a *Capias* against Hamilton and others for the Breach of Peace, and desired the opinion of this Board thereupon. They

beg leave to postpone the consideration of this affair to the next meeting of the Council that they may be more fully informed.

Ordered that a new commission of the Peace and *Dedimus* issue for the county of Rowan and the names of Thomas Cook, Moses Winsley and William Moore be added therein.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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CASE.

In 1748, an Act of Assembly was pass'd in the province of No. Carolina, for regulating the several Officers' Fees within that province

The 2<sup>d</sup> Sect. runs in these words. — "Be it enacted &c. That it "shall be lawful for the several Officers within this province to take "& receive in proclam" money or Bills of Credit such Fees only as "is appointed by this Act for such service, to wit"

Then follows the enumeration of the particular Fees, of which the Fees of the public Registers are set down thus

	£	s.	d.
"For registering every Birth, Burial or Marriage-----	0	0	7
"For registering a Conveyance, or any other writing, or "giving a Copy thereof-----	0	2	8
"For every Certificate of Birth, Burial, or Marriage-----	0	0	7

The following Sect. relates to particulars Foreign to this Case

The 7th runs thus — "That if any Officer shall demand, extort, "exact or receive under Color of his Office any other or larger Fees "than what is particularly mentioned in this Act, or shall refuse to "do the particular Service in his Office for the Fees in this Act "expressed, such Officer shall for every such offence or default, "forfeit the Sum of five pounds," (which penalty by the 9<sup>th</sup> Sect, is declared recoverable in the same manner as other Debts, one half to the informer, the other to the Parish.)

Under the words, other writing, it had been long Customary among the Registers to charge 2 8 for each writing of receipt or Certificate Indorsed on any Deed.

On an Indictm<sup>t</sup> in Hillsborough Sup<sup>r</sup> Court of Justice for s<sup>d</sup> province in Sept<sup>r</sup> last, Edmund Fanning, Reg<sup>t</sup> of Orange County

duly appointed & qualified, was found Guilty of Extortion in his Office as Register for taking 6s. on the Deed N<sup>o</sup>. 13.

On the Tryal it was given in evidence, & declared from the Bench that the taking did not by any means appear to be a tortious taking, as the said Register had previous to his entering on the said Office, requested of the Justices of the County Court (the Supreme Jurisdiction of the County) to consider on the Fee Bill, who after so doing in open Court, instructed the said Register that he was legally intitled to 6s. and odd pence at least for every Deed whatever, with probate, Order for Registering & Registers Certificate of the due Registering, & in case of other Instrum<sup>ts</sup> more, as by Bill drawn up by the Court & delivered to the s<sup>d</sup> Register. The Opinion of the late Att<sup>y</sup> Gen<sup>l</sup> of No. Carolina was likewise taken on this matter, who declared that the Register was intitled to demand fees to the amount of 8 7 on any Deed.

On application sev<sup>l</sup> other Registers furnished him with Bills under their hands, for Fees taken for the same Service for considerably more than 6s.

The s<sup>d</sup> Register however to be within the Law as he conceived demanded & took upon all Deeds 6s. only.

The questions upon which M<sup>r</sup> Att<sup>y</sup> Gen<sup>l</sup>'s Opinion is desired are

1<sup>st</sup>. What Fees may within the meaning & intentment of the expression in the Act pass'd in 1748, for regulating of Officers Fees be legally taken by the Register on the Deed N<sup>o</sup>. 13 & 14 severally?

2<sup>dly</sup>. Whether an Indictment for Extortion will lie at Common Law for taking more or other Fees than allow'd by Act of Assembly, in the execution of an Office created by Act of Assembly, and if so, whether a heavier Sentence may be passed by the Court than the Penalty in the said Act prescribed for the Offence charged in such Indictm<sup>ts</sup>?

3<sup>dly</sup> Whether a Register may be prosecuted by way of Indictm<sup>t</sup> for taking other or larger Fees than what are particularly mentioned in the aforesaid Act for regulating of Officers Fees? The 7<sup>th</sup> Sect of s<sup>d</sup> Act which relates to Reg<sup>rs</sup> being not prohibitory, but only *if he does*, that then he shall be liable to a Forfeiture of five pounds, which in the 9<sup>th</sup> Sect of the same Act is s<sup>d</sup> to be recoverable as other Debts.

4<sup>thly</sup>. Whether a Reg<sup>r</sup> may be Indicted & punished as an Extortioner for taking more by Colour of his Office than he is legally

intituled to, such taking happening through mistake either of the Sum taken, or the Sum which might lawfully be taken?

1. I sh<sup>d</sup> conceive that the meaning & purport of an Act of Assembly w<sup>d</sup> be better understood in the Province where it was made & adapted to their own modes of Proceeding, than in another country. However I think it was the probable meaning of the Law that the Registry of a Deed, with the Receipt for the consideration, & the oath of the Executor wou<sup>d</sup> entitle the officer but to one Fee, the whole amounting but to one Deed. But I think the Registry of the Certificate of the Examination of a *Feme Couverte* is a distinct Instrument, tho' Indorsed upon the same parchment, & entitles the officer to a distinct Fee, as is also the Certificate of the persons examining, being Justices of the Peace.

2. The Rule is, that where a statute makes a Common Law offence penal; and prescribes a particular method of recovering the penalty, The party has his election to pursue the statutable method or proceed at Common Law by Inditement, In all cases where the offence is of a public nature: But if the statute constitutes a new offence, & directs a particular mode of Proceeding, that only can be followed.

3. I think a Register may be Indicted for taking such money, for the act declares what sums shall be taken, and taking any others *criminally* is extortion (for it is extortion to take by color of office money not due by Law) and such extortion is Indictable; the subsequent clause seems to be Independent of, & unconnected with the former, & to give an additional pecuniary Sanction.

4. There is no ground to say a man acts criminally who really acts by mistake. Whether it is really a mistake or not, must be subject to the opinion of the Judge or Jury who tries the charge. The usage of office w<sup>d</sup> not make the act legal but it might excuse the officer, especially when it was confirmed by the declaration of the Court at the Desire of the officer newly come into his office.

It would be better for the assembly to remove the doubts by passing an explanatory act.

W<sup>m</sup>. DE GRAY.

April 22<sup>nd</sup> 1769.

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[ENDORSEMENT.]

Case for the opinion of M<sup>r</sup> Att<sup>o</sup> Gen<sup>l</sup>. Dispatch is prayed as the case is intended to be sent abroad as soon as received.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Lord Hillsborough.

BRUNSWICK the 24<sup>th</sup> April 1769.

In my letter (N<sup>o</sup> 23) I took notice of the disappointment I experienced to my recommendation, to the House of Assembly at the last session, for a supply of powder and lead for his Majestys service, and the use of this province: The returns I have herewith the honor to transmit to your Lordship of the ordnance, stores, and ammunition of Fort Johnston, will shew the great deficiency in the two last articles: deficiencies I beg may be communicated to his Majesty, as I really apprehend in case of a war, I could not purchase here twenty barrels of powder, nor is it to be expected in such an event, I could be furnished from the neighbouring colonies, It shall be my duty again to urge the General Assembly to make provision for so important a demand, but as I have twice failed in my application, should I then be unsuccessfull, I wish to be honored with his Majestys commands, how these necessary articles are to be supplied.

Three cannon of eighteen pounders are at Wilmington, and six of the swivel guns at Salisbury and Hillsborough, three at each town: These with the ordnance returned by Captain Howe, Commandant of Fort Johnston, make up the whole of the artillery, sent here by his late Majesty in 1754 for the use of this government, except one swivel lost last war by a boat sinking.

In the present condition of the settlements on the sea board of this province I cannot think any part so much exposed to the insults of the enemy as Cape Fear River. The settlements on the other maritime parts of the province, I would be understood, within fifty miles of the sea, are so widely dispersed that an enemy could not by his plunder reimburse the expence of a single vessel on such an enterprise.

Cape Look Out Bay has proved a place of anchorage in former wars for the enemys privateers from whence they could discover all ships directing their course for Ocracock Inlet and easily if the wind was fair, slip out the bay and intercept them. Cape Look Out is now well known to his Majestys sloops on this station. A plan of the Bay was taken by the *Viper* Sloop of War in 1764, which I understand was transmitted by Captain Lobb to the Lords of the Admiralty.

Enemys privateers might also lay just within Ocacock Inlet, and consequently greatly injure the commerce of the Roanoke, Pamlico, Neuse and Trent Rivers, Ocacock being the outlet for ships of burden trading in those rivers: small sloops and schooners may indeed sail through Currituck Inlet.

A Fort constructed at Cape Look Out and another to command the entrance of Ocacock Inlet, would certainly afford great protection to that part of the country, though I apprehend the province is not in circumstances to construct them, or if they were both able and willing, no person here is capable to undertake the work.

The settlements on Cape Fear River lye more immediately within the insults of the enemy, the town of Brunswick being but twenty miles from its mouth and Wihmington sixteen miles above Brunswick As I have in a former letter directed to the Lords of Trade bearing date the 1<sup>st</sup> August 1766 described the situation and condition of Fort Johnston and as Captain Collet I presume has informed your Lordship of its present weak state, I shall not now trouble your Lordship with further observations on it

The new inlet of Cape Fear which was opened a few years since by a storm has not yet prejudiced the old bar; It affords a passage only for vessels of seven or eight feet water.

Captain Robinson of his Majestys ship the *Fowey* entered this river last February and came over the bar at only half tide drawing fourteen feet water. He assured me it was easier to run over this bar than that of Charles Town and that it had on it full as much water; a testimony he said he should transmit to the Lords of the Admiralty. His Majestys sloops of war the *Martin* and *Bonetta* being in the river at the time the *Fowey* came in, formed a little squadron, the first seen in this river.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

BRUNSWICK the 25<sup>th</sup> April 1769.

It has not been before in my power to transmit to your Lordship the inclosed list of Taxables of this province for 1766 and 1767 [see Vol. VII, pages 228 and 539 — EDITOR] from a neglect of many



of the clerks of the counties not punctually sending me their respective lists

The County of Pasquotank I observe has returned 554 less Taxables in 1767, than in 1766; this is not owing to a decrease of inhabitants but to an omission in some justices not returning to the county court the taxables in their districts, occasioned I believe from the disputes that arose in the county about the removing their clerk; During the contention the Justices would not hold the Inferior Courts for three terms. This induced me by the advice of the Council to make out a new commission for justices of that county and to leave out all who were refractory, till they should return to a better sense of their duty. This step I have been informed has settled all differences and that business is carried on as usual.

By letters I have lately received from the back country the Sheriff of Orange County as he was going to serve a *Capias* on two or three of the late insurgents was seized tied up to a tree and received from them a severe flogging. I have however the satisfaction to be informed by other letters that this act of outrage is not countenanced but disapproved by the body of the people who called themselves regulators. These matters I have laid before the Council who have desired to postpone the consideration of them till further intelligence is received from the back country. The Attorney General writes me that James Hunter was brought to tryal at Hillsborough last month but that the jury bringing in an insufficient verdict the Chief Justice awarded a new tryal at the next court, and that everything appeared quiet. Hermon Husbands who was and is still believed to have been at the bottom of the late disturbances took his tryal at the same court and was acquitted for the want of proof.

I take the liberty to inclose your Lordship three months observations of the heat of the weather at Hillsborough last summer taken by a thermometer of Adams's. The heat on the sea board of this province has not risen higher than ninety two degrees, the summer of 1765 in the hottest day it was up only at 88½ degrees. The heat of the days in both situations are nearly similar, but the nights in the hilly country are much cooler than those on the sea board which gives the inhabitants in the former a great advantage in point of health.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

CASE.

In 1748 an Act of Assembly was pass'd in the province of N<sup>o</sup> Carolina for regulating the several Officers Fees within that province.

The 2<sup>d</sup> Sect. runs in these words—Be it Enacted &c. "That it shall be lawful for the several Officers within this province to take & receive in proclama<sup>n</sup> money or bills of Credit such Fees only as is appointed by this Act for such service to wit,

Then follows the Enumeration of the particular Fees, of which the Fees of the public Register are set down thus

	£	s.	d.
"For registering every Birth, Burial or Marriage-----	0	0	7
"For registering a Conveyance or any other writing, or giving a Copy thereof-----	0	2	8
"For every Certificate of Birth, Burial or Marriage-----	0	0	7

The following Sect. relates to particulars foreign to this Case,

The 7<sup>th</sup> runs thus—"That if any Officer shall Demand, Extort, Exact or receive under Colour of his Office any other or larger Fees than what is particularly mentioned in this Act, or shall refuse to do the particular service in his Office for the Fees in this act expressed, such Officer, shall for every such offence or default, forfeit the sum of five pounds." (which penalty by the 9<sup>th</sup> Sect. is declared recoverable in the same manner as other Debts one half to y<sup>e</sup> Informer, y<sup>e</sup> other to the parish.)

Under the words, other writing, it had been long customary among the Registers to charge 2s. 8d. for each writing of receipt or certificate Indorsed on any Deed.

On an Indictment in Hillsborough Sup<sup>r</sup> Court of Justice for s<sup>d</sup> province in Sep<sup>r</sup>. last Edmund Fanning Register of Orange County duly appointed & qualified, was found guilty of Extortion in his office as Register for taking 6s. on y<sup>e</sup> Deed N<sup>o</sup> 13.

On the Tryal it was given in evidence & declared from the Bench that the taking did not by any means appear to be a tortious taking, as the s<sup>d</sup> Register had previous to his entering on the s<sup>d</sup> office requested of the Justices of the County Court (the supreme jurisdiction of the County) to consider on the Fee Bill, who after so doing in open Court, instructed the s<sup>d</sup> Register that he was legally intituled to 6s. and odd pence at least for every Deed whatever, with probate,

order for Registering, and Registers certificate of the due Registering, & in case of other instrum<sup>t</sup>: more, as by Bill drawn up by the Court & delivered to the s<sup>d</sup> Register. The opinion of the late Atty Gen<sup>l</sup> of N<sup>o</sup> Carolina was likewise taken on this matter, who declared that the Register was intitled to demand Fees to the amount of 8s. 7d. on any Deed.

On application sev<sup>l</sup> other Registers furnished him with Bills under their hands, for Fees taken for the same services for considerably more than 6s.

The s<sup>d</sup> Register however to be within the Law as he conceived, demanded & took upon all Deeds 6s. only.

The questions upon which M<sup>r</sup> Morgan's opinion is desired, are

1<sup>st</sup> What Fees may within the meaning & intendments of the expression in the Act pass'd in 1748 for regulating of Officers Fees, be legally taken by the Register on y<sup>e</sup> Deed N<sup>o</sup> 13 & 14 severally?

2<sup>dly</sup> Whether an Indictment for Extortion will lie at common Law for taking more or other Fees than allowed by Act of Assembly in the execution of an office created by Act of Assembly, & if so, whether a heavier sentence may be passed by the Court, than the penalty in the s<sup>d</sup> Act prescribed for the offence charged in such Indictment?

3<sup>dly</sup> Whether a Register may be prosecuted by way of Indictm<sup>t</sup> for taking other or larger Fees than that are particularly mentioned in the afor<sup>sd</sup> Act for regulating of Officers Fees. — The 7<sup>th</sup> Sect of s<sup>d</sup> Act which relates to Reg<sup>trs</sup> being not prohibitory, but only *if he does*, that then he shall be liable to a Forfeiture of £5 which in the 9<sup>th</sup> Sect. of the same act is said to be recoverable as other Debts.

4<sup>thly</sup> Whether a Register may be Indicted & punished as an Extortioner for taking more by colour of his office than he is legally intitled to, such taking happening thro' mistake either of the sum taken, or the sum which might lawfully be taken.

1. On the Deed N<sup>o</sup> 13 & Indorsements, I am of opinion the Regis<sup>tr</sup> is intitled to four Fees, viz. 1 for the Deed, 2 for the certificate of the examination of the *Feme Coerte* & certificate of the persons examining being Justices, & 4 the oath of execution & order to Register.

As to the three former I think there is scarce room for a doubt, with respect to the last my opinion is nearly the same. I do not consider the oath or order as part of the Deed. The instrument was in itself before complete. The oath & order are additional, i. e. farther secu-

rities to the purchaser. There is some time limited for registering such a Deed, consequently the party is not bound to register before the last day of that time. I take it for granted if it was requisite in the intermediate time to produce the Deed in evidence, it would be accepted as such tho' not Registered. If so I think it beyond a doubt that the Register is entitled to such fourth Fee.

As to N° 14 for the above reasons I think him intitled to two Fees.

2. At Common Law the taking more than is due by Colour of Office is Extortion 1. Inst. 368-6. 10. Rep. 102 Plou. Com. 68. This being a maxim of our Law, is universally true, And I conceive is not confined to antient offices only, but extends to every one newly created. An Indictment will, therefore, in my opinion lie, for an actual offence tho' in a new office, viz. Sets a limit to the Fees to be taken by the word *only*. As to the penalty given by Sec. 7. I consider it only as an additional security to y<sup>e</sup> subject; and rather (if I may so express it) in aid than in restraint of the Common Law, & that a prosecutor hath his election, either to proceed for the penalty by action of Debt or by Indictment for criminal punishment, which by the Common Law is Fine & Imprisonment.

3. This Question is already answered.

4. I think in the present case the Register was not liable to be Indicted for two reasons. 1. I am clearly of opinion he was legally intitled to more than he took as to N° 13. 2. Suppose he was not, we should then enquire *quo animo* he took the 6s., the answer is, not with intent to extort, but thro' an involuntary mistake — under a supposition of right, consequently he is not criminal. In this case Mr Fanning did actually intend to take less than he conceived himself intitled to. And on entering into his Office, acted in the most prudent manner, by requesting the Justices of the County Court to ascertain his Fees. I should think that very allowance of a Court of Justice would be sufficient to exculpate Mr Fanning at Common Law, Had he taken more than he was intitled to by the act of Assembly And, that in such a case there would not have been any mode of proceeding, but by action of Debt. He may be said to have acted with the approbation of the Justices, & therefore, for their honour it is incumbent on the Judges, before whom this matter is depending, to give all the relief they can to Mr Fanning, which brings me to the last question viz

Circumstanced as Mr Fanning is, what may be proper for him to do?

I would advise him to move for a new Tryal. I scarce need mention authorities. Litt. 606-613. Or that he must appear in person. 2 Stra. 968.

Should that be overruled (which I can't easily perceive) he may then move in arrest of Judgment. 2 Salk. 649.

The Indictment may be bad, if not, the whole matter, I take it for granted, appears on the Record.

But there must be a positive allegation that the person charged took so much *extorsive* or *colour officii*, which words are as essential as *proditorii* or *Felonia* for Treason or Felony. 2 Salk. 680. On the Law only, I should think a good argument might be made in arrest of Judg<sup>mt</sup> (supposing the Indictment states the facts fully) for the act of Assembly is of itself Evidence of the Fees Mr Fanning was intitled to: and I think all the Indorsements on the Deed ought in substance to appear in the Indictment, otherwise it should be void for the incertainty. If fully stated then it appears evidently to be a verdict contrary to Law.

Should both motions fail Mr Fanning must &c.

JOHN MORGAN

Inner Temple 1<sup>st</sup> May 1769.

Query added 4<sup>th</sup> August 1770. Whether upon the whole matter as stated, the Defendant Fanning ought to be exculpated or not?

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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### COUNCIL JOURNALS:

At a Council held at Wilmington 4<sup>th</sup> May 1769.

Present

His Excellency the Governor

The Honble	{	James Hasell	Robert Palmer	}	Esquires
		Lewis DeRosset	Benjamin Heron &		
		William Dry	Samuel Strudwick		

His Excellency was pleased to qualify John Burgwin Esq as Register of the Court of Chancery who took the Oaths and subscribed the test.

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At a Council held at Wilmington 5<sup>th</sup> May 1769.

Present

His Excellency the Governor

The Honble	{	James Hasell	Robert Palmer	}	Esquires
		Lewis DeRosset	Benjamin Heron &		
		William Dry	Samuel Strudwick		

John Burgwin Esq. produced his Excellencys Commission dated this day appointing him a Master of the high Court of Chancery who took the Oaths of Office, and subscribed the Test.

Ordered, That Richard Harvey be added to the Commission of the Peace for the County of Hyde.

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At a Council held at Wilmington 6<sup>th</sup> May 1769.

Present

His Excellency the Governor

The Honble	{	James Hasell	Benjamin Heron	}	Esquires
		Lewis DeRosset	and		
		Robert Palmer	Samuel Strudwick		

His Excellency acquainted this Board that several members of the House of Assembly were absent or dead, and desired the opinion of the Board whether under the present circumstances of the Country it might not be expedient to dissolve the Present Assembly. It is the unanimous opinion of this board, That it is very expedient to dissolve the present Assembly.

Ordered a Proclamation issue accordingly.

Then His Excellency proposed the 19<sup>th</sup> of October, next for the meeting of the New Assembly at New Bern, and Ordered that Writs forthwith issue to the proper Officers for Electing Members.

This Board resumed the consideration of Mr Lea's letter, Sheriff of Orange County, and Mr William Hooper Attorney at Law, being called upon informed this Board, that the Attorney General had indicted the several persons at the last Superior Court at Hillsborough, who whipped and insulted the Sheriff in the Execution of his Office.

This Board recommend to His Excellency to direct the Attorney General to carry on the prosecution with the utmost rigour of the law.

His Excellency having appointed John Burgwin Esq. Register of the High Court of Chancery of this Province, Ordered that the

Secretary deliver up all the Records and papers relative to that Office, and take his rec<sup>d</sup> accordingly.

Benjamin Heron Esquire one of His Majestys Council of this Province, having requested leave to go to England for twelve months for the recovery of his health, His Excellency was pleased to give him leave accordingly.

A PROCLAMATION.

Whereas I have Qualified under my Commission as Captain General Governor & Commander in Chief in and over this Province, It is necessary that the present Assembly should be dissolved. I therefore with the Advice and Consent of His Majesty's Council issue this Proclamation for dissolving the said Assembly, and the same is accordingly dissolved.

Given under my hand & the Great Seal &c. at Wilmington May 6<sup>th</sup>. 1769.

W<sup>m</sup>. TRYON.

God Save the King.

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[B. P. R. O. AM. & W. IND. VOL. 273.]

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Circular from the Earl of Hillsborough To the Gov<sup>rs</sup> of Georgia, South Carolina North Carolina, Virginia, East Florida

WHITEHALL May 13<sup>th</sup> 1769.

SIR,

You will receive by this Packet a printed Copy of an Act of Parliament for the encouragement of the culture of raw Silk in America.

This encouragement is so very considerable and the object of it so important both to Great Britain and the Southern Colonies of America that I think it incumbent upon me to recommend to you to give the earliest attention to it by immediately proposing to the *Legislature of your Government* to take such measures by premiums or otherwise as may induce the planters and poor people to enter with vigour upon so usefull and profitable a cultivation. At the same time I cannot but observe to you that the attention of his Majesty and his Parliament to give every possible encouragement to the productions of the Colonies tho' at considerable expence to Great Britain cannot but give the most pleasing Reflections to His Majesty's subjects in America.

I am &c  
HILLSBOROUGH

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[B. P. R. O. AM. & W. IND. VOL. 273.]

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Circular from Earl Hillsborough to Governor Tryon

WHITEHALL May 13<sup>th</sup> 1769.

Inclosed I send you the gracious Speech made by the King to his Parliament at the close of the Cession on Tuesday last.

What his Majesty is pleased to say in relation to the Measures which have been pursued in North America, will not escape your notice as the satisfaction his Majesty expresses in the approbation his Parliament has given to them and the assurances of their firm support in the prosecution of them together with his Royal Opinion of the great advantages that will probably accrue from the concurrence of every branch of the Legislature in the resolution of maintaining a due execution of the Laws cannot fail to produce the most salutary effects.

From hence it will be understood that the whole Legislature concur in the Opinion adopted by his Majesty's servants that no measure ought to be taken which can any way derogate from the Legislative Authority of Great Britain over the Colonies, but I can take upon me to assure you notwithstanding Insinuations to the contrary from Men with factious and seditious views that his Majestys present administration have at no time entertained a design to propose to Parliament to lay any further Taxes upon America for the purpose of raising a Revenue and that it is at present their intention to propose in the next Cession of Parliament to take off the duties upon Glass Paper and Colours and upon consideration of such duties having been laid contrary to the true principles of Commerce.

These have always been and still are the sentiments of his Majestys present servants and by which their conduct in respect to America has been governed and his Majesty relies upon your prudence and fidelity for such an explanation of his Measures as may tend to remove the prejudices which have been excited by the misrepresentations of those who are Enemies to the peace and prosperity of Great Britain and her Colonies and to reestablish that mutual confidence and affection upon which the Glory and Safety of the British Empire depend.

I am &c  
HILLSBOROUGH.



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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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NORTH CAROLINA — Ss.

George the Third by the Grace of God, of Great Britain, France and Ireland, King Defender of the Faith &c. To the ----- Sheriff of Onslow ----- County.

We Command You to Summon and warn the Freeholders within our County ----- of Onslow ----- to meet at the Court House in the said County ----- on the eighteenth Day of July next, then and there to choose and Elect Two ----- Representatives duly qualified to sit and Vote in the General Assembly of our said Province, to be held at New Bern, on the nineteenth Day of October next ---- then and there to consult on the weighty and Arduous Affairs of Government. Herein you are not to fail; and have you then and there this Writ, with your doings thereupon. Witness our Trusty and well-beloved William Tryon Esquire, our Captain General and Governor and Commander in Chief, in and over our said Province, at Wilmington the eighteenth ----- Day of May, in the Ninth Year of His Majesty's Reign, Anno Domini 1769.

W<sup>m</sup>. TRYON.

By His Excellency's Command  
BENJ<sup>a</sup> HERON Sec.

ONSLow COUNTY.

Pursuant to this writt I did warn the Freeholders of Onslow and they mett on the day at the Court House & Voted according to Law — and on closing the Poll, Will Cray and Rich<sup>d</sup> Ward were duly Elected — July 18<sup>th</sup> 1769.

LEWIS WILLIAMS Sheriff.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Resolves of the Virginia House of Burgesses

VIRGINIA 19<sup>th</sup> May 1769.

The House of Burgesses met on the 8<sup>th</sup> Instant: on the 16<sup>th</sup> they took into their serious consideration the state of this Colony, and in

the course of their deliberations, being alarmed at the Distress in which all America is likely to be involved, came to several Resolutions; Copies of which they have given me particular directions to transmit, without delay, to the Speakers of the several Houses of Assembly on this Continent, and to request their concurrence therein.

In obedience to their order, I now, Sir, inclose you a Copy of those Resolutions, and am persuaded the importance of the subject will be sufficient to engage the immediate attention of your Respectable House, and the Circumstances of America evince the propriety of their Conduct.

His Excellency, the Governor, thought fit on the 17<sup>th</sup> to dissolve the Assembly. However discouraging this reprehension may be, yet we hope that our loyalty and affection to his Majesty, our Regard to the true Interest of our mother Country, and our inclinations to terminate this unhappy Dispute will be made manifest, and will in the end, dispose our gracious Sovereign to interpose in our favour, and to procure for his injured People the Redress they most humbly ask for.

I am with the greatest Respect

Your most obedient Servant

PEYTON RANDOLPH

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Tuesday the 16<sup>th</sup> of May, 9<sup>th</sup> Geo. III, 1769.

Mr Blair reported from the Committee of the whole House, to whom it was referred to consider of the present State of the Colony, that they had come to several Resolutions, which he read in his Place, and afterwards delivered in at the Clerk's Table, where the same were read, and are as followeth, viz,

Resolved, that it is the Opinion of this Committee, that the sole Right of imposing Taxes on the Inhabitants of this his Majesty's Colony and Dominion of Virginia, is now, and ever hath been legally and constitutionally vested in the House of Burgesses lawfully convened, according to the antient and established Practice, with the Consent of the Council, and of his Majesty, the King of Great Britain, or his Governour, for the Time being.

Resolved, that it is the Opinion of this Committee, that it is the undoubted Priviledge of the Inhabitants of this Colony, to petition their Sovereign for Redress of Grievances; and that it is lawful and expedient, to procure the Concurrence of his Majesty's other Colonies,

in dutiful Addresses, praying the royal Interposition, in Favour of the violated Rights of America.

Resolved, that it is the Opinion of this Committee, that all Trials for Treason, Misprison of Treason, or for any Felony or Crime whatsoever, committed and done in this his Majesty's said Colony and Dominion, by any Person or Persons, residing therein, ought of Right, to be had and conducted in and before his Majesty's Courts, held within the said Colony, according to the fixed and known Course of Proceeding; and that the seizing any Person or Persons, residing in this Colony, suspected of any Crime whatsoever, committed therein, and sending such Person or Persons, to places beyond the Sea, to be tried, is highly derogatory of the Rights of British Subjects; as thereby the inestimable Privilege of being tried by a Jury from the Vicinage, as well as the Liberty of summoning and producing Witnesses on such Trial, will be taken away from the Party accused.

Resolved, that it is the Opinion of this Committee, that an humble, dutiful and loyal Address be presented to his Majesty, to assure him of our inviolable Attachment to his sacred Person and Government, and to beseech his royal Interposition, as the Father of all his People, however remote from the Seat of his Empire, to quiet the minds of his loyal Subjects of this Colony, and to avert from them those Dangers and Miseries, which will ensue, from the seizing and carrying beyond the Sea any Persons, residing in America, suspected of any Crime whatsoever, to be tried in any other manner, than by the antient and long and established Course of Proceeding.

The said Resolutions being severally read a second time;

Resolved. *Nemine contradicente*,

That the House doth agree with the Committee in the said Resolutions.

Ordered, that the Speaker of this House do transmit, without Delay, to the Speakers of the several Houses of Assembly, on this Continent, a Copy of the Resolutions now agreed to by this House, requesting their concurrence therein.

A true Copy, extracted from the Journal of the House of Burgeses.

G. WYTHE, C. H. B.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from Alexander Elmsley to Samuel Johnston Esq

LONDON 26<sup>th</sup> May 1769

D<sup>r</sup> SIR

I this Day received your Bills on Oldham Which are accepted and will be paid as the acceptor is very Good, Inclosed you have Mr Pollock's Bill protested, in my Last I sent you M<sup>e</sup>Neils without protest as you desired, with a Certificate under my hand of the Drawees being dead and his Ex<sup>rs</sup> having refused payment as not being in Correspondence or connected with the Drawer

You have now in my hands viz

Bills Jackson on Rossiter-----	10 10 0	} paid
Clodd on Barnett-----	45	
Lott on Metcalf-----	55	
Talbot on Tucker So Carolina-----	50	
Torrans Poag & Gregg on Dormer So Carolina-----	300	
<hr/>		
Youngse on Alston &c-----	69 14 0	} accepted
Oldham on Oldham-----	33	
Do on Do-----	100	

as to Jacksons draught on Prichard in my last I advised that the utmost I could do respecting it was to extort after abundance of abuse, (as Cummings calls it) a promise to pay upon Larkens Bond being delivered to Prichard which you'll please forward to me by first opp<sup>ty</sup> We believe here that y<sup>e</sup> Duties on Goods imported into your Country will be taken off next Session of Parliament, if the Colonys do not in the mean time display too much of y<sup>e</sup> spirit of resistance. Our ministers say the last Dutys were imposed in order to try them and as soon as it appears that they are convinced of the Folly of their late measures, they will be taken off, this is the language of the Court. I doubt not however, that the true reason is an apprehension of a rupture with some of the powers of Europe in which Case it might be of a Dangerous tendency to continue our Domestic differences; some of our politicians give another and perhaps a better reason for the Sudden revolution in favour of the Colonies, they say the present ministry are not able any longer to

combat the Opposition unless they make a Sacrifice of Some part of their pretensions, and as the American Taxes are obviously taxing in the Event the Labouring people of England, and of Course preposterous it has been thought advisable to take them off and thereby lessen the number of those who have joined the Opposition; But I send J. Parker the papers to this day; he will forward them to you, and you'll soon know as much as I do or perhaps any body Else here, except a few in the Cabinet to whom I have no Access. I have seen the Petition & Remonstrance of your Assembly to y<sup>e</sup> King. O! Gods a Remonstrance from N<sup>o</sup> Carolina to a King, surely you were thinking of King Blunt or King Haglar; but this is not the worst of it, you tell his Majesty which by the way I don't believe that you're willing for his sake to lose your lives and even to Hazard your Fortunes Is not this sinking in prose and had not the writer before him Swifts Art of Sinking in poetry

“And Thou Dalhousi the Great God of War,  
Lieutenant General to the Earl of Mar.”

However let it be what it will the Gent charged with it I imagine will not have an Opp<sup>ty</sup> of presenting it because the Virginia address was refused some months ago on account also of the indecent manner in which it was drawn up. I told you before that Mr Barker seems touch'd with your neglect of him as he expresses it; pray let him hear oftener from you and particular about his Own Concerns which he frequently mentions; I see him every Day and am happy in his acquaintance. You may address to me hereafter, if I am out of the way my Brother will open your Letters and do the needfull — please present my Comp<sup>ts</sup> to every Body and tell Mr Jones I have not yet heard of the receipt of his goods and that I have £10 for Arth<sup>r</sup> Howe, which he must draw for because I was obliged to give a receipt for it in his name, as being so much more than my Letter of Atto for Mrs Hall Specified

I am D<sup>r</sup> Sir Your Affec  
ALEX<sup>r</sup> ELMSLEY

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Lord Bishop of London.

BATH 27<sup>th</sup> May 1769.

At the particular intercession of the Speaker of the House of Assembly and several other gentlemen, I take the liberty to request your Lordships indulgence in giving the bearer Mr Peter Blinn letters of ordination. He is an honest moral man, tho' without learning. If your Lordship will dispense with this defect, in other respects I am persuaded he will conduct himself in a commendable manner. He will stand much in need of the Society's liberality which one word from your Lordship will obtain for him.

I have been honored with your Lordships letter on the subject of Mr Wills, when he arrives in this province I will communicate to him your Lordships generous consideration of him and give him the draft on your Secretary.

I have lately presented and inducted the following gentlemen into parishes in this province, Viz, Mr Briggs to Duplin County, Mr Cramp to Brunswick County, Mr Alexander (last from Georgia) into Hertford County and Mr Burgess to Edgecombe County. I purpose on my journey through the province to induct Mr Barnett into Northampton County and Mr M<sup>c</sup>Cartney into Granville County. If your Lordship has the least objection to my inducting clergymen coming into this province with a license from your Lordship for a different colony only, as in case of Mr Alexander, if you will signify such your objection I shall observe it in future, tho' the Vestries in the colony of Virginia make no scruple to get what clergymen they can from this province.

P. S. The Vestry of Brunswick County have agreed to try amicably the right of Mr Cramps presentation

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

BATH the 27<sup>th</sup> May 1769.

After the receipt of your Lordships letter the 21<sup>st</sup> June 1768 I required in Council the Receiver and Deputy Auditor General of the

province to report the causes of the deficiencies in the collection of his Majestys Quit Rents and to suggest what would be necessary to give the collection better effect. The reports these gentlemen made me by letter, I have the honor herewith to transmit to your Lordship, at the same time that I take the liberty to inclose what occurs to me to be necessary to forward the success of the above object.

I am aware that on the consideration at home of the matters contained on the subject of your Lordships requisitions the salaries proposed to the officers employed will be thought out of all proportion. I confess the irregularity and confusion that has hitherto accompanied the collection of the Quit Rents, the want of a Rent Roll to be delivered by the Auditor to the Receiver General, the appointment of more proper Deputy Receivers and the laborious duties of their offices convinces me of the necessity of giving such handsome salaries until a Rent Roll can be completed and a good plan for the collection of Quit Rents placed on a solid foundation at which period the salaries may be lessened at discretion. The discovery of lands by descent as well as those held by patent (the records of which are lost) must be discovered by the Deputy Receivers, great encouragement therefore seems highly requisite to be given to these officers to excite their industry and diligence to make these discoveries. If they were furnished with the list of white taxables of their respective counties annually it would lead them to the occupants of lands from whom they might inform themselves of what lands they were possessed. The folio books Mr Rutherford compiled might also be of considerable information both to the Registers and Deputy Receivers, as well as to the Auditor General were the originals lodged in the Auditors office, and copies sent to the Register of each county of such lands as lay within their respective counties to which the Deputies should have free access.

The aid of the Legislature in the execution of the above business is evident and the expectation of procuring such aid in this case I apprehend will be founded on the principle of some present benefit to the people. It is under this consideration that I recommend the expediency of the release of Quit Rents and confirmation of titles.

Thus, my Lord, I have endeavoured to sketch the outlines of such regulations and establishments as appear necessary to lay a foundation for a better collection of his Majestys Quit Rents. If your Lordship will improve these hints and honor me with his Majestys

further commands on the subject, I shall cheerfully pay all possible regard and attention to them.

I am &c.

The inclosure referred to by the Governor on the preceding side contained as follows Viz.

Scheme proposed for the forming of Rent Roll and obtaining a regular collection of his Majestys Quit Rents, in the Province of North Carolina.

Officers to be employed in the Department Viz. Secretary of the province, Auditor General, Receiver General, Deputy Receiver or Collector and Register in each county.

Secretary to furnish the Auditor General with a list of the Patents on record in the Secretarys Office and from time to time to transmit to him a list of all Patents granted in future, within three months after the grant.

Auditor General to require from the Registers in each county annually a list of all transfers of lands within their respective counties with proper descriptions of the locations &c. that from these returns with the records received from the Secretary the Auditor may make out the Rent Roll for each county to deliver the Receiver General.

Receiver General to deliver the Deputy Receivers or County Collectors the lists for their respective counties to make their collections by, and the Receiver General to be obliged to account once in every year for the amount of the Rent Roll or to give his reasons for deficiencies.

Deputy Receivers or County Collectors to be appointed by the Governor and shall annually make their collections to the Rent Roll and pay to the Receiver General the amount thereof, and also to make returns to him on oath of all lands held in their respective counties whether by descent or otherwise which may not be entered on such Rent Roll that the lands and the names of the occupants may be entered on the same.

Register to be obliged to make a return annually to the Auditor General of the lands transferred every year in their respective counties as required by the Auditor General.

Salaries proposed for the Officers in the Department of the Collection of his Majestys Quit Rents.



The Secretary to be allowed for furnishing the Auditor General with a list of the Patents on record and for lists of Patents granted in future thirty pounds sterling *per annum*.

The Auditor General of the province will be obliged to have an office constantly open and under a necessity of keeping two clerks as well to audit the grants of lands made in the Land office as annually to make out a fresh Rent Roll for the Receiver General, for want of which Roll the Quit Rents have never been regularly collected for if the same Rent Roll should be permitted to continue for more than one year the confusion in the receipts will remain as usual on account of the vast number of descents and transfers that occur in course of a year in this migrating part of the world, the duties therefore of the Auditor will be important. He is to make a record of all lands held in his Majestys district, and to form annually a Rent Roll for the Receiver General, as well as to perform such other duties as may be demanded of him by his Majestys Auditor General of America. Under the consideration of this load of duty, the clerks to be maintained, and the necessary expences in the execution of it, it is judged 20 *p. cent.* will be little enough to be allowed to the Auditor General in the province, on all monies received and audited on account of Quit Rents.

The Commission of 10 *p. cent.* upon monies received may be sufficient for the Receiver General, as the Rent Roll will be delivered to him by the Auditor General.

The Deputy Receivers having the most active and fatiguing part of the whole duty upon them and the difficulties manifest in making the collection, 20 *p. cent.* might be allowed on the monies they collect till a complete Rent Roll can be formed.

The Registers to receive from the Receiver General eight pence for every transfer in their lists or Rent Roll of their respective counties returned annually to the Auditor General of the province.

Heads of a Bill proposed to inforce a regular Collection and Receipt of Quit Rents.

Persons not paying their Quit Rents for three years to forfeit their lands which shall be given to the informer in the same manner as by the Virginia law passed for that purpose in 1748. — Slaves, goods, and chattels on the premises may be levied on for annual payment of Quit Rents.

Sheriffs to be obliged to act as Deputy receivers or County Collectors when required by the Governors warrant or appointment.

Registers to be obliged to perform by an obligatory clause the duties prescribed to them..

County lines to be run at the expence of the province within a certain time.

Indulgences thought expedient to be given to the inhabitants in his Majesty's district for obtaining from the Legislature an effectual Quit Rent Law.

His Majesty to confirm all titles of land obtained either from the Crown or the Lords Proprietors, as well as such original Grants and records as may be proved to have been lost or destroyed by fire or unavoidable accidents. All persons being compelled to pay Quit Rents for surplusages of land within the bounds of their Patents or that such surplusage be resumed by the Crown.

All arrears of Quit Rents to within one year from the time the Act takes effect to be released by his Majesty.

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[FROM THE ROWAN COUNTY COURT RECORDS.]

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NORTH CAROLINA }  
Rowan County } to wit

At an Inferior Court of Pleas & Quarter Sessions Begun and held for the County aforesaid at the Court House at Salisbury on the second Tuesday in May in the ninth year of our Reign Anno Dom 1769

Present — William Temple Cole }  
George Henry Barger } Esquires  
John Ford }

\* \* \* \* \*

On motion of John Frohock Clark of Rowan Court upon sundry deeds being produced to this Court to be recorded and as sundry persons are of opinion that the Clark do take through a misconstruction of the law more fees than what the law allows & as it has been the Clarks customary fees of 3s. 4d. proclamation mo. for all the sundry sarvises done in recording each deed the court at this time dont take on themselves to determine what the legal fees for such sarvises, necessary thereon for each deed but that he take his usual fees of 3s. 4d. till it shall be further determined at Hillsborough Superior Court or otherwise by an Explanation of the Laws by a fee bill

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[N. C. LETTER BOOK S. P. G.]

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Letter from Governor Tryon to the Secretary,

NORTH CAROLINA  
Bath 28<sup>th</sup> May 1769

REVEREND SIR

As M<sup>r</sup> Peter Blinn a member in the last Assembly of this province, is setting off on a voyage to England with my recommendation to the Bishop of London for Holy Orders, I have directed him to wait upon you sir to know if the Society has any commands for this Province, since my last long Letter to you I have presented M<sup>r</sup> Cramp to Brunswick County, the legality of which I imagine will be tried at Common Law next year; I do not recollect if I mentioned my having presented M<sup>r</sup> Briggs to Duplin County. Mr Burgess I last week presented to Edgecombe County. M<sup>r</sup> Johnston I have not seen since his Return. M<sup>r</sup> Alexander who has been upwards of one year in this Province, I have at the request of some of the Inhabitants of Hertford County and in consideration of a Testimonial of his good behavior from that Vestry, given him Letters of Presentation to that parish. He appears to be a sensible excentrical Genius. I beg leave to recommend M<sup>r</sup> Blinn to the liberality of the Society, and remain with esteem, Sir,

Yours &c  
W<sup>m</sup>. TRYON

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[B. P. R. O. AMERICA & W. INDIES. VOL. 216.]

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Letter from Henry E. M<sup>c</sup>Culloh Provincial Agent &c to the Sec<sup>y</sup> of  
State for American Affairs

5<sup>th</sup> JUNE 1769

MY LORD,

As agent for the Assembly of North Carolina, I do myself the honor to lay before Your Lordship, the Petition of the Assembly of that Province to His Majesty; your Lordship having been pleased to inform me, that the proper mode of presenting it was thro' you as Secretary of State for American Affairs.

I have received several matters in charge from the Assembly, which I shall hope for the Permission of laying before your Lord-

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ship, in perfect confidence of meeting your Lordship's favor & assistance in every proper exertion which I may use on behalf of the Province.

I am, my Lord &c<sup>a</sup>

HENRY E. M<sup>c</sup>CULLOH

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[B. P. R. O. AMERICA & WEST INDIES. VOL. 216.]

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Letter from Earl of Hillsborough to Governor Tryon.

WHITEHALL 7<sup>th</sup> June 1769.

I have already in my letter N<sup>o</sup> 20, fully expressed to you my opinion with respect to any further issue of Paper Bills of Credit as a legal tender; but it was not intended that that opinion should, nor will it, preclude the fullest consideration that can be given to any Representation the Assembly shall think fit to make on that subject, or any Plan they can suggest for that purpose.

The inconveniences that daily occur, from the Colonies not adhering to some certain & regular mode of appointing their Agents, are many & great & it would be very satisfactory, and prevent many difficulties that occur in the transaction of public Business, if all the Colonies would conform to that rule which has been prescribed by the Crown, of appointing their Agents by Act of the Legislature, which, as it originated in the House of Assembly, it follows of course that the name of the Person must be inserted by them, altho' the other two Branches of the Legislature have each respectively a negative upon the Bills.

I am &c.<sup>a</sup> .

HILLSBOROUGH.

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[FROM N. C. LETTER BOOK S. P<sup>c</sup>G.]

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Mr Stewart to the Secretary. (Extract)

BATH N. CAROLINA June the 24<sup>th</sup> 1769

REVEREND SIR,

This letter will be handed to you by a Mr Peter Blinn, who has been these twelve years a Parishioner of mine, and most part of the time has read prayers &c in the Church of Bath during my absence at the Chapels. He is now recommended to the Bishop of London by Governor Tryon for Orders as a well meaning man and of good

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character, being late Member of the House of representatives for the Town of Bath, and several years a Magistrate. Though he has not had the happiness of a Collegiate Education, yet he is as worthy (in my mean opinion) of the Function as many that have lately been sent out having a small Interest in the Country to confine himself to it, and of a sober modest disposition.

In justice to this Gentleman, I have made free to make his character known to the Society. If I have erred by so doing, I hope it will be excused as it is the first recommendation from Reverend Sir,

Yours &c  
ALEX<sup>r</sup> STEWART

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[B. P. R. O. NO. CAR. B. T. VOL. 17.]

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AT THE COURT AT S<sup>t</sup> JAMES's the 28<sup>th</sup> day of June 1769.

Present

The King's most Excellent Majesty in Council.

Whereas Alexander McCulloh hath by Memorial to his Majesty at this Board set forth that on the 3<sup>rd</sup> of March 1745 (O. S.) a grant containing twelve thousand five hundred acres of Land lying on Branches of Johnston and Pedee Rivers in North Carolina was passed to the Memorialist as one of the Associates of Murray Cymbles and James Haly dated the 19<sup>th</sup> of May 1737. That upon viewing the Laws contained in the said Grant the Memorialist found they were not surveyed in the Situation intended; that the Lands which of Right belonged to him had been given to others; from which cause the Memorialist declined having any concern in the said Lands; declared his intentions therein and left them to be settled by any person under the Crown as vacant Lands and never received or endeavoured to receive any benefit or advantage therefrom. That under these circumstances the Memorialist never apprehended any demand of the Quit Rents would have been made against him, but the Receiver General of the said Province having sometime since made a demand against him for the Quit Rents thereof he agreed to submit himself to his Majesty's pleasure on this Head in the same manner as had been done by Selwin and McCulloh two other of the said Associates. That in consequence thereof the Memorialist executed a surrender of the Grant to his Majesty in pursuance of the

Royal Instructions given to the Governor of the said Province in 1766, and at the same time entered into a Bond bearing date the 15<sup>th</sup> of December 1769, to produce his Majesty's order on this head and abide by the same within two years or to pay the Quit Rents demanded amounting to one hundred and seventy pounds or thereabouts, and humbly praying that His Majesty will be graciously pleased to direct that the Bond so given by the Memorialist may be given up to him and be cancelled. — His Majesty taking the same into consideration and having received the opinions of a committee of the Lords of the Council thereupon is hereby pleased with the advice of his Privy Council to direct that the Memorialist shall not be liable to pay the Quit Rents for the said tract of Land so surrendered by him and that the said Bond so entered into by the Memorialist on the 15<sup>th</sup> of December 1767, on that account be cancelled and delivered up.

Whereof the Governor or Commander in Chief and the Receiver General of the said Province of North Carolina for the time being and all others whom it may concern are to take notice and govern themselves accordingly.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to the Earl of Hillsborough.

WILLIAMSBURG [VA.] the 3<sup>rd</sup> July 1769.

Since I had the honor to transmit to your Lordship a scheme for the better collection of his Majestys Quit Rents in North Carolina, Mr Strudwick one of the Council of that province has forwarded me his letter of offers to farm the above Quit Rents for the term of seven years, which letter I have herewith the honor to inclose your Lordship. As Mr Strudwick has obtained my leave of absence from the province for one year to attend his private affairs in England your Lordship may be better informed of his plan when he does himself the honor to wait on you.

I am at present with Lord Botetourt on a short visit, as well for the reestablishment of my health as to pay my respects to his Lordship. I have been inquisitive here concerning the mode practiced in this colony for collecting the Quit Rents in order to amend if in my power the plan I have sent to your Lordship in N<sup>o</sup> 31.

I purpose to return to Carolina the latter end of this month and to meet the General Assembly the 19<sup>th</sup> of October next the writs for which are now out, and the elections are to be made the 18<sup>th</sup> instant agreeable to a determination in Council, the Minutes of which I had the honor to forward to your Lordship before I left Brunswick

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

WILLIAMSBURG, the 8<sup>th</sup> July 1769.

The very friendly and polite reception I have experienced from Lord Botetourt, and the ease and satisfaction with which I have passed these last four weeks within the circle of his Lordships hospitality together with a short respite from the affairs of government have not only greatly re-established my health but allowed me leisure to reflect on the motives that led me to this continent. These I shall candidly state to your Lordship in the hopes that they may be laid before his Majesty.

One grand principle of my offering my service in America flowed from a wish to be placed in a situation in which I might render my public services more beneficial to my Royal Master than my station in the Guards would probably allow me to do in time of peace. Another motive was that if happily I could, by a diligent discharge of my office answer the purposes of it, I flattered myself it would recommend me to the King's indulgent consideration in my military line. The first of these objects I have amply obtained by his Majestys most gracious approbation of my public conduct signified to me both by your Lordship and the Earl of Shelburn. The fruits of the latter I can only hope for from his Majestys most gracious favor, but upon that I must entirely depend, as the Earl of Halifax told me (while Secretary of State) on my departure from England that he had it in command from the King to assure me I should receive no prejudice in my military rank, while employed in his service in America. If therefore in his Majestys goodness I might be appointed one of his Aid De Camps or receive a regiment through his royal bounty, in either case I should be gratefully happy. But if a regiment should be my fortune, my unwearied duty would

be exerted to keep it as well disciplined and appointed as the Company of Grenadiers I reluctantly resigned to Colonel West.

Permit me my Lord to request the favor of you to lay this letter at his Majestys feet and to support it with your Lordships good offices, which will infinitely oblige,

My Lord, &c.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Letter from Henry E. McCulloh Provincial Agent to the Hon<sup>ble</sup> the Committee of Correspondence.

LONDON 14<sup>th</sup> July 1769.

GENTLEMEN,

I did not meet the honor of your letter dated 10<sup>th</sup> of December last, till the 26<sup>th</sup> of May. It came accompanied with a Resolve of the Hon<sup>ble</sup> the House of Assembly, appointing me their Agent for the Term therein ment<sup>d</sup>, and a Petition to His Majesty.

I entreat the favor of you, Gentlemen, to lay before Your Hon<sup>ble</sup> House, my very respectful and warm expression of thanks for the great Honor they have done me. I have a very high opinion of the nature of the Trust they have been pleased to repose in me, & beg to pledge myself for a faithful and firm discharge of the duties of it to the utmost of my Powers.

I immediately waited on Lord Hillsborough with the Resolve and the Petition. — In all Petitions of business to the Throne, the official, constant and regular mode is, that they are presented to His Majesty by the Principal Secretary of State for the department: the only exception is in cases of refusal, when the extraordinary mode of private presentation becomes necessary. His Lordship was pleased to undertake to lay your Petition before the Throne; which has been accordingly done. — In all such cases, His Majesty's answer is given thro' his Governor abroad, — and which I presume His Excellency Mr Tryon will receive in time to deliver to Your Hon<sup>ble</sup> House at your next Meeting. — I beg leave to mention, that if the mode of particular presentation had been made necessary, it should assuredly have been made use of by me.

You will please to observe, that the Sessions was broke up before I received the dispatches; and consequently, that no parliamentary Application can be made before the Winter. — I very carefully attend



to the Contents of your letter, & shall exert myself to the uttermost to obtain the Province leave to issue Notes of Currency. — I am sorry to acquaint you, I have reason to fear that Lord Hillsborough is at present of opinion, that giving the American Assemblies a power to make their Notes a Tender is repugnant to the Idea of a Paper Circulation and highly improper. — It shall be my best endeavor to impress his Lordship with the reasons that make this circumstance necessary in your Paper Emissions; and further to shew that no injustice to any, but great good to all, would result from granting the liberty requested. I shall apply to the Merchants concerned for their assistance, on which I believe I may heartily depend.

A general Repeal of the restrictive Act is not what I have at present in view, but rather the obtaining an Act of Parliament for the particular purposes required by you: Many & great objections which would lay to the first mode, will not to the other. I shall as soon as the plan is fixed upon, immediately, and at large, communicate it to you, with my proceedings. I am extremely sensible that the public Credit, Peace, and Prosperity of the Province, in a great measure, depend on the event of this Application. — The greatness of the object will justly demand my best exertions, which I beg leave to say shall not be wanting.

I have it from authority to assure Your Hon<sup>ble</sup> House, that It is Intended to Repeal the Duties on Paper & Glass complained of by America, but at the same, [time] in all things, to support the Dignity of Government.

It has been, and shall be, upon all occasions, my duty and inclination, to place the public conduct of the Province in proper point of view; and I have the pleasure to inform you, that I believe the Loyalty and Attachment of its Inhabitants, and the Moderation adopted by your governing powers, are conceived of by His Majesty's Ministers & others your Fellow-subjects here, in a very happy and favorable light. — The internal disturbances which have unhappily prevailed in the frontier Counties, I have been ever careful to distinguish as such; and I trust that Ministry has the kindest Intentions to grant every reasonable Indulgence to your Interests.

I conceive it my duty to lay before your Hon<sup>ble</sup> House, what past between my Lord Hillsboro' & me on the subject of my appointment by Resolve. He was pleased to declare that tho' the mode in question had formerly in some cases been admitted of here, yet that stricter regulations had for sometime taken place in American

Affairs, and that it was determined that the Assent of the Governor, Council and Assembly, formally expressed by an Act of the whole legislature, was necessary to Invest a person with the Character of a provincial Agent; & that being only appointed by your Resolve, I could only be considered as Agent for the Assembly, and for such matters as they might as a House of Assembly, be particularly interested in. — I observed to His Lordship, that if the American Assemblies could be prevented in their choice of an Agent, by a negative in either of the other branches of the legislature, it in fact destroyed their right of appointment; — that I must ever beg leave to consider myself, under your Resolve, as Attorney or Agent for the province, and to act accordingly. — His Lordship assured me of his readiness upon all occasions to promote the Interests of the Province, and that he would give the kindest Attention to what I might have to propose to him. — If your Hon<sup>ble</sup> House think proper to continue me in the Trust they have honored me with, I would recommend the mode which Government here has declared necessary. — It is not for me to enlarge on this subject.

It is proposed next winter to review the Acts relative to the Naval Store trade, and to make sundry alterations therein. I inclose for your consideration Copies of the several papers which have past on the subject, (which I am favored with by Mr Hyndley,) these papers will lay the subject before you in the fullest manner, and I intreat I may receive directions for my conduct therein, in which I beg there may be no delay.

I shall very faithfully, and with great pleasure, cooperate with the Agents of the other Colonies, in the matters recommended by you. — The general ground of Complaint is the same, and I am sensible a spirited & vigorous Cooperation of the several Colony Agents is a very probable and efficacious means to procure success.

I shall from time to time acquaint you fully of my proceedings, and will expect to be favored fully with your commands.

I will conclude by observing that I shall conceive myself very happy in a continuance of the Honor the Assembly has done me.

I have the Honor to be, most respectfully, Gentlemen,

Your most obedient & most humble serv<sup>t</sup>,

HENRY E. M'CULLOH.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Letter from Henry E McCulloh to Colonel John Harvey

LONDON 24<sup>th</sup> July 1769.

MY DEAR SIR

I desired M<sup>r</sup> Iredell in a letter I wrote him a few days ago, to present you with my warm & friendly respects, & to assure you, that I had been prevented writing purely on account of expecting daily to hear from you at the Assembly. It was near the middle of May before I received the Papers;—I will refer him to my letter to the Committee of Correspondence, inclosed, & a letter I wrote the Treasurer, for my public conduct.—The little right I had to expect that warmth of Friendship which I have met from you, is an additional Circumstance to the grateful sense I have of your partial kindness; I am very sensible that my Success in the Affair of the Agency, is principally the work of your hand,—I wish I may ever have it in my power to make you a more weighty return than words, them I will spare. I am proud & happy in your Friendship, & will endeavor to deserve it.

I don't mean a Compliment, but I really think, the general Idea of your Petition, is the best I have seen. I should have blushed forever for You, if you had not bore some Testimony in the good cause.—Surely you have been polite and compliant enough.

It may be proper to give you a little private history as to your Petition. I am convinced they would have been better pleased, had you let it alone. Many of my friends (acquaintances rather) in Carolina, have kindly hinted to me, that I would best judge whether I would lay the Ideas of the mad, (rebellious) Americans at the foot of the throne;—& have been kindly concerned for the consequences to me, should I attempt it.—I am much obliged to them;—I see nothing in your petition, but my soul approves,—My spirit, as well as my Circumstances are independant;—& tho' my Lord H——h had the politeness to say, *that Petitioning in my Circumstances was foolish*, (his own words,) I insisted I had no discretion to exercise;—no question to ask, but that it should be presented in the most proper and official manner;—had he refused, I would have bent the knee myself,—the way it has been done is the only one, and never deviated from, but in cases of refusal. I

trust in God, I shall never want Courage to execute your Commands. I will refer again to my letter to the Committee & only add, I must wish to renew the sanction of an Act of Assembly to my appointment, & earnestly entreat the kindest Assistance of my friends to bring it about. With respect to the salary, if any is named, I wish it may be respectable,—both with relation to the former, as well as myself,—But at the same time, I pledge my Honor, that I do not, will not, desire a single penny in payment, till the province shall be fully able & inclined to do it.—I am really & truly ambitious of the honor of being your agent, independent of every meaner motive. While my Father lives, I certainly stay here,—I wish your Agency, warmly,—I hope I would deserve your confidence on these grounds I ask & entreat the kind assistance of my friends.

Lord Hillsborough is a violent opposer of your request to emit money;—many in the ministry I hope, & have reason to believe, are of a different opinion—as minister for America, he must have great weight; that is to me, notwithstanding,—a Circumstance of nothing.—It is ever my duty, to do my utmost, & I will,—& I do not despond;—one thing I only fear, he should object to my person & appointment.—It is the Cause of the people, if they cannot appoint a person to transact their Interests,—they are in a very peculiar and unhappy Condition indeed.—Shall I hint to you, that if the Council refuse their assent you have a capital right invaded,—which it is incumbent upon you to support;—I hope the occasion will not arise:—If it does,—it is of no small consequence.—It is not for me to enlarge upon this subject—nor is it necessary.

You will perceive by my letters to the treasurers, I have not been able to receive anything on acco<sup>t</sup> of the province.—Considering the unhappy *loaded* Condition of your public funds, & the cursed spirit of Levelling, that prevails among you,—I thought it advisable not to give the smallest handle for declaimers;—I therefore have left alone purchasing the maces till I hear further.—Your Robe, which I conceived were immediatly wanted, I have purchased & sent to the care of J. M.—I flatter myself, it will please, for it is rich, & plain.—You will want a handsome Tye upon the occasion, but that, I recollect, George Gray of Edenton can furnish you with.—Ninety nine, out of a hundred, of the sons of Adam, bow the Knee to appearances:—so far, wise men approve, & make use of them.

I am concerned, I cannot give you hopes of succeeding for your friends in Hardwood's affair;—the poor devil is invisible; they talk of a compromise of 5s. in the pound, I would gladly take it;—Be pleased to assure the Gentlemen, I will be attentive to every circumstance which can give their Claim a value,—and will take upon me to act with discretionary Powers on their behalf.

I am extremely obliged to you for your kind Intentions, respecting Jimmy Iredell.—I warmly recommend it to him, to approve himself to you.

I must rejoice that your complaints ag<sup>st</sup> the Office, no longer continue.—Be assured, no Circumstance under my power or direction, shall ever give you a moments uneasiness.—I don't expect to be very long your Collector. I wish you may get one, who wishes us kindly to the Interests of the Port.

I have it from authority, to acquaint you, that the Acts complained of by America are to be repealed;—their proud stomachs here, must come down.—Our politics here are nothing, but a scene of confusion.—Men's minds seem greatly inflamed.—The ministry &c. seem most cordially detested;—it is however my opinion that they will keep their seats.

Col. Mercer of Virginia has been for sometime appointed your Lieut<sup>r</sup> Gov<sup>r</sup> & I believe has thoughts of succeeding: when M<sup>r</sup> Tryon leaves America.

I send you a bundle of papers, magazines, Registers &c. which I know to be very agreeable food to a person in your part of the World: the public prints are the best picture of the times.—& you may depend on my supplying you with them occasionally.

I write you a long confused letter, & am sensible I have many excuses to make for the manner;—but I truly write in the greatest hurry.—On Tuesday next, I set out for France, &c. to spend the Vacation, which now takes place as to all sort of business.

I will hope to be often favored with hearing from you.—I intreat I may.—If in my power to serve you here, in any shape,—pray Command me and make me happy. As I said before, I will not make use of words—I warmly think myself under great Obligations to you,—& am with the utmost regard & truth

Your assured and faithfull Friend & h<sup>ble</sup> Serv<sup>t</sup>

HENRY E. M'CULLOH.

P. S. My Compl<sup>ts</sup> & thanks to the Gentlemen your way, who interested themselves for me.—One thing, let me add,—Surely

Mess. H. & J. — who have refused to act, will not be continued of the Committee of Correspondence.

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[B. P. R. O. AM. & W. I. N. C. No. 216.]

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Letter from Earl Hillsborough to Governor Tryon.

WHITEHALL July 15<sup>th</sup> 1769.

SIR,

Your letters N<sup>o</sup> 26 & 27, have been received, and laid before the King.

The defenceless state of the Province under your Government, as reported in the first of those Letters, ought certainly to be attended to, and therefore His Majesty entirely approves of your again urging to the Assembly the Necessity there is of providing for their own security, so far at least as to prevent the Fortifications which have been erected from falling into Ruin, or becoming useless for want of a Supply of such Stores as are necessary to their defence. What may be proper to be done in case this requisition shall be unsuccessful I will not presume to say, but I do not think myself warranted to encourage the least Expectation that it will be thought fit that this Country should take upon itself any expence for the protection of the Sea Coast of its Colonies, beyond that of its Ships of War, which indeed is the only certain and natural protection they can have.

The Assembly's petition to His Majesty relative to the revenue Laws, which I observe is entered upon their Journals, having been put into my hands by Mr M<sup>c</sup>Culloh, I lost no time in presenting it to His Majesty, but have nothing in command from His Majesty to signify to you thereupon, having already in my circular letter of 13<sup>th</sup> May fully apprised you of the Sentiments and resolutions which have been adopted in respect to the Measures they complain of.

These Sentiments & Resolutions which so clearly mark out the Opinion entertained by the present Administration of the Inexpediency of laying Taxes in America by Act of Parliament for the purpose of raising a Revenue, will it is hoped give full satisfaction to His Majestys Subjects, and dissipate those groundless Fears and apprehensions which have already produced such disagreeable Consequences.

The plan for a paper Currency which, I also observe from the Assembly's Journals, was proposed to be submitted to His Majesty's Consideration, has not yet been delivered to me by Mr M<sup>c</sup>Culloh. Whenever he thinks fit to communicate it to me, I shall not fail to take the necessary steps for its having the fullest Examination.

I am &c<sup>a</sup>  
HILLSBOROUGH.

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[B. P. R. O AM. & W. INDIES. VOL. 273.]

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Letter from John Stuart Superintendant &c. to Earl Hillsborough.

CHARLES TOWN 30<sup>th</sup> July 1769.

MY LORD,

I humbly offer to your Lordship as my opinion that the superintendants being appointed an Extra Member of the several Councils in the District for which he acts will be very usefull and advantageous to his Majesty's service for by his Majesty's Instructions he is to confer and consult upon many matters with the Governors of Provinces and their Councils which will be much more effectually done when he can attend personally than by Letters, as he will thereby have an opportunity of clearing up many occurrences which otherwise might appear dark and intricate and as he must be supposed to be better acquainted with the situation of Indian affairs from his station his presence will be very useful in framing any Provincial Law or Regulation respecting the local and immediate concerns of any particular Province; it will likewise give the Superintendant a respectable Rank in the Community.

If what I have offered meets with your Lordships approbation and the Superintendants are to sit in the different Councils *ex Officio* I humbly conceive that they may with propriety take their seats in the different Councils according to the dates of their respective commissions as Superintendants

I have the honor My Lord &c<sup>a</sup>.

JOHN STUART.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough

HALIFAX 2<sup>d</sup> August 1769.

Mr Alexander McCulloch one of his Majestys Council here informs me that in consequence of his surrendering up a patent of land containing 12,500 acres, part of the twelve hundred thousand granted by his late Majesty to Henry McCulloch and his associates, his friends have laid a petition before his Majesty in Council praying that the Quit Rents due to the Crown at the time of surrender in November 1767 might be released. Mr McCulloch assures me he never settled any of the lands, or even ever saw any part of them, and further declares that his uncle made use of his name for that tract without his knowledge. Under these favorable circumstances he humbly hopes his Majesty will be graciously pleased to discharge him from the burden of the Quit Rents by ordering the bond to be canceled, which Mr McCulloch lodged with the Receiver General of this province at the time of the surrender, subjecting him to the payment of the said Quit Rents. If I might presume to add anything to the petition, it should be in favor of Mr McCulloch as well from a principle of equity as from a consideration of his steady attachment to his Majestys person and government.

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[FROM N. C. LETTER BOOK. S. P. G.]

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Mr Briggs to the Secretary

DUPLIN COUNTY S<sup>t</sup> GABRIELS PARISH NORTH CAROLINA

1<sup>st</sup> August 1769.

REVEREND SIR,

I have been appointed Rector of this Parish Seven Months: it is so extensive that I have eight different places to preach at, on eight different Sundays. My parishioners behave with great attention and devotion during Divine Service. I have christened one hundred and thirty in all, including women and children. About sixteen Marriages, and ten burials have been here since my arrival. As the people under my care appear to be so desirous of instruction, I hope (thro' the divine blessing on my endeavours) they will both



know and perform their duty to God and their neighbour; and thereby become useful members of Society, happy to themselves here, and eternally so hereafter—Many of the Inhabitants under my care, who can read, and would be glad to join with me in the divine service of the Church, are so poor (as I have been informed) that they cannot purchase common Prayer Books: they would be obliged to the Society if they would send them some, with any other books they shall think proper; to whom my most respectful compliments, and please to accept the same from, Reverend Sir,

Yours &c  
HOBART BRIGGS

[FROM THE ROWAN COUNTY COURT RECORDS.]

NORTH CAROLINA }  
Rowan County }

Second Tuesday in August 1769

Present — John Hunter  
William Spurgen } Esquires  
John Duncan Jr }

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Adam Allison Esq came into open Court & produced a Commission under the seal of the Province signed by his Excellency William Tryon Esq Governor &c appointing him the said Adam Allison high Sheriff of said County.

The said Adam Allison did at the same time sign to the Court his readiness and earnest desire to accept the said office of sheriff for said County and shew the Court he was willing to take the oaths prescribed by Act of Assembly for a Sheriff—and then in open Court sayth he used his utmost endeavour to procure such securities for the faithful execution of said office according to law but that his friends absolutely refused for this reason to wit that they doubted not either of his integrity or honesty but the confused state and present disturbances together with the scarcity of circulating money in this county Each of his friends doubted it would be a means both to involve him and them into Intricate Lawsuits & troubles.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to the Rev. Doct. Burton, Secretary &c.

BRUNSWICK the 3<sup>d</sup> September 1769

I was favored not before yesterday with your letter of the 30<sup>th</sup> March last, relative to an inquiry the Bishop of London desires to be satisfied in, whether I can give Mr Jones a Parish in this province should his Lordship ordain him. It is true my letter of introduction of Mr Jones to his Lordship placed more dependence on Mr Micklejohns knowledge of his qualifications than of any positive knowledge I had of him further than his good moral character; however as his sufferings in the pursuit of holy orders has been attended with very peculiar circumstances, as you will read in the inclosed letters he sent me, I should wish his Lordship might indulge him with ordination, since I can place him in a parish in this province. My Sister tells me she has afforded her aid to him in his desponding distress and that his gratitude repays the support she assists him with. If he succeeds as I hope he may the Societys bounty of twenty pounds for two years extended to him would crown the whole. I beg you will present my respectful assurances to the Society of the honor I feel done me in the strict attention they have on all occasions shewn to the measures I have proposed to them.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

BRUNSWICK the 5<sup>th</sup> September 1769. -

On my return to Brunswick the 31<sup>st</sup> of last month, I had the honor to receive your Lordships letters N<sup>o</sup>. 20, 21, 22, 23 & 24. His Majestys most gracious approbation of my conduct in the measures I pursued to suppress the insurgents afforded me the greatest happiness. I have issued the proclamation of general pardon and have every reasonable expectation that such lenity will restore the perfect peace of the country.

It gives me a sensible pleasure to find your Lordship so well disposed to serve Captain Collett. It is my real sentiment that his

merit and military abilities will do honor to any good offices you extend to him, tho' I cannot think that the encreasing the country establishment of the Fort, or raising an independant company to garrison it, would be either of service to government or beneficial to Captain Collett. He merits better things.

The establishment of a Post through this province has not been carried yet into effect. Mr De Lancey has been sent expresses four or five times as far as this town with my despatches but not once through the province, not I am persuaded for want of a desire to establish the post, or assiduity in his endeavours to carry it into execution, but from the want of the means to support the expence. It is a disagreeable reflection, my Lord, that the chain of communication through the Continent should be broke within this province. I beg leave to propose a scheme that appears to me the most certain means to open the post through this government: It is for Mr Foxcroft, Post Master General for the Northern Department, to take this province into his district as I am credibly informed he has a considerable surplus from the revenue of the Post Office within his department. This colony might revert back again as soon as the Southern Post Office had a fund sufficient to bear the expence of carrying the Post as now directed. This country suffers greatly in its commercial concerns from the want of a communication by Post, and during the course of the last war the country was in a deplorable state, the merchants having had their ships taken by the enemy before any opportunity offered for them to give advice to their correspondents to the northward to ensure them.

I shall propose to the Legislature agreeable to your Lordship's directions to adopt such measures as may induce the planters to enter into the cultivation of raw silk. Parliament has set them the example and I hope they will second such encouragement.

His Majesty may be assured I shall employ my utmost endeavours to prevent the evil designs of factious and seditous men, leveled against the conduct and measures of his Majesty's servants and observe strictly every other command contained in your Lordship's letters above mentioned.

I am, my Lord, with the utmost respect.

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[FROM THE COURT RECORDS OF ROWAN COUNTY.]

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NORTH CAROLINA }  
Salisbury District. }

At a Superior Court of Justice held for the District of Salisbury at the Court house in Salisbury on the 5<sup>th</sup> day of September in the ninth year of our reign A. D. one thousand seven hundred and sixty-nine, 1769.

Present

The Hon Maurice Moore Esq,

Court adjourned till tomorrow at 10 o'clock,

Met according to adjournment.

Present

The Hon Maurice Moore Esq,

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[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF STATE.]

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A PROCLAMATION.

Whereas by the early & active rigour in exerting the powers of government, for Suppression of the Insurgents at Hillsborough, the dangerous designs meditated by those deluded people were happily frustrated, And Whereas by my Proclamation the third day of October last, I thought proper to pardon all persons who before the date of the said Proclamation, had involved themselves in the guilt of that Insurrection, Sundry Persons therein mentioned only excepted, to whom, on my favourable representation of their unhappy situation, his Majesty, ever attentive to the welfare and happiness of all his Subjects, however distant from him, has been graciously pleased to permit me to extend the mercy of the said Pardon, with a remission of all Fines, to such Persons as have been the Objects of Publick Prosecution, on or before the third day of October 1768, not doubting that his Royal Lenity on this occasion will compleat the restoration, and secure the Preservation of the Peace of this Province;

I therefore issue this my Proclamation of general Pardon extend-

ing to Fines and forfeitures, to all persons concerned in the said late Insurrection, on or before the third day of October, 1768.

Given under my hand & the great Seal, at Brunswick 9<sup>th</sup> day of September 1769, &c. W<sup>m</sup>. TRYON.

By His Excell'y Command

JOHN LONDON, D. Sec'y.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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TO HARMON HUSBANDS

SALISBURY Sep<sup>r</sup> 14<sup>th</sup> 1769

SIR,

Agreeable to the Resolutions of the Committee, held at Jos. Teagues last month; of putting in force the Laws against such Officers, as had transgress'd the same: about 6 or 7 of us, attended at Salisbury Gen<sup>l</sup> Court, for that purpose; when to our astonishment, we found the Grand Jury to be composed of our most inveterate Enemies & of such as had been our greatest Oppressors; no less than five of the old Sher<sup>s</sup> on the Jury: in fine there are not above 2 or 3 on it, but what are limbs of the Law, however we were resolved at all Events, to try what Justice could be obtained, as we have been so often referr'd thereunto by the Gov<sup>r</sup>, and others of the first Rank in the Province, who had so repeatedly urged us, to take legal steps, assuring us that we should every where obtain, the highest Justice, & one particular Gentleman had always told us, he would be there & see us have Justice, so Relying on those promises, & being Conscious to ourselves, that the Law was in our favour, against our Enemys, who had repeatedly broke it: Besides the Cries of the people were so great, & repeated for Justice, and we well knowing that the oppression was so great, that we durst hardly return home, before tryal made; as we were nominated for that purpose by the people. In order therefore to proceed, we apply'd to M<sup>r</sup> Hooper Deputy Attorney Gen<sup>l</sup>. (whom M<sup>r</sup> M<sup>c</sup>Gwire Delegated) who appeared well pleased with our Designs, & assured us he would do everything in his power for us. Accordingly he drew up a Bill of Indictment against Col. Frohock for Extortion, in taking £2 5s of the Widow Coe, for the Cost of an Indictment, & the Bill found Ignoramus; the King prov'd by the Oath of Joseph Harrison, that

the said Harrison paid the Money to one Linville, a Sub-Sheriff for the use of Col. Frohock; Jn<sup>o</sup> Dunn proved that he got the Receipt from the Widow some time ago, in order to procure redress for her, but had lost it, but that it was for £2 5s; Abra<sup>m</sup> Crosson proved, that when the Col. was about to make out the Bill of Cost against the Widow, he asked s<sup>d</sup> Crosson what circumstances the Widow was in, who answered in very Good, & had money by her; if that be the Case s<sup>d</sup> the Col. then I must double the Bill. However the Jury found the Bill ignoramus, and soon after some of the Jury, came to us and wondered we would lay in such Complaints without better proof, notwithstanding this disappointment we kept up our spirits, our oppressors coming us to ever & anon, and begging we would make up with them in behalf of the Country, promising to return the Money they had illegally taken, & withal to lay in no more Complaints, as they hated to be recorded for Extortioners. Next Day we laid in a Complaint against William Frohock, Sub-Sheriff as follows, viz, That one Mook had taken out an Inf<sup>r</sup> Court Writ, for one Bools, but that immediately on serving said Writ, (for 7 pounds) they compromised the matter, & paid the Cost to the amount of fifty four shill<sup>ts</sup>; we produced the Receipt, & proved by the Oath of Jos<sup>h</sup> Harrison, however evident as this was, no Bill was found; we next brought in a Bill against Col Frohock as follows, viz, One Robins took out a Writ for one Robins and imme<sup>v</sup> the matter was agreed upon, which Robins wanted to pay the Cost, & after paying the Lawyer, & Sherr, their Respective Demands, then going to the Col. as Clark, to know his demand he asked & received, 16s 6d on payment of which he gave to Robins a Receipt, which was produced and proved, by the oath of Tho<sup>s</sup> Frohock, but this met the same fate with the others, & turned out NO BILL. On this we signified to the Chief Justice, that the Jury were combined against us, who s<sup>d</sup> he was sorry for the Occasion, but that there was no help for it, especially at this Time; we told him now it would exasperate the Country, who were now fully become sensible of their Oppression, to see themselves thus debarr'd of Justice, and pass unnoticed, when groaning under the weight of their Oppressions; He begged of us to be quiet, & still, & to advise the people to be so, & to try some other Time, reminding us that, that Jury would not be there always; we likewise acquainted the D. Attor<sup>v</sup> Gen. that we were creditably informed, that the now acting Jury, were not the Jurors chosen by the Court, this information we Proc<sup>d</sup> from one of

the Magistrates, who came to us. & told us, they were not the men appointed for that purpose, for said he I was on the bench, when the appointment was made, & was myself nominated, but when I came & offered my service I met a refusal. We next apply<sup>d</sup> to one of the Burgesses, who agreed with the s<sup>d</sup> Justice, saying it was true to his knowledge. However to leave no stone unturned, whereby to obtain Justice, we now resolved to laying a Complaint against the Col. wherein he had confessed lately, he had taken too much, & had paid back 11s 0d of the money, the Complaint stood thus, Elijah Teague took out a General Court Writ for one James, & on serving the Writ they immediately agreed, & the Writ return'd agreed, Joshua Teague went immediately to Frohock before execution, to pay of the Cost, who demanded & Rec<sup>d</sup> £4 2s. 4d; hereupon the Jury sent for the Case Book, but as there were a plenty of Clarks, & Sherr<sup>s</sup> among them, well acquainted with drawing up such Bills, this was likewise thrown out, on the old score NO BILL. So we concluded to return home, & then left them congratulating each other on their happy success, & Deliverance. Thus you see my dear friend we can get no redress in what is call<sup>d</sup> Courts of Justice, & seeing our Crafty & cruel Oppressors, are so combined together, that we think it impossible to obtain the least shadow of Justice, among them; as you may plainly see, they take the power of the Court in their own hands, & try it themselves, or at least deprive us of the Benefit of bringing our matter to any Issue, and now Sir we apply to you as a Representative, to see if you can get any Redress, from that Quarter, as for the present mode we expect none from it, & let us begg of you & the rest of that respectable Body, not to be afraid to alter the present form; for we are sure none can be worse than the present; for we are confidant, that it takes more in this County, to prevent the poor oppressed people to obtain Justice, than it wou<sup>d</sup> take under an honest Admi<sup>n</sup> to support it. And we remain Sir

Your very hu<sup>ble</sup> Ser<sup>ts</sup>

A true Copy

JOSHUA TEAGUE  
ABRAHAM CROSSON  
ISAAC WAINSCOT  
JOS. HARRISON  
JA<sup>s</sup> HUNTER

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Lord Hillsborough.

BRUNSWICK 15<sup>th</sup> Sep<sup>r</sup> 1769.

On Thursday the 7<sup>th</sup> instant we had a tremendous gale of wind here. It began about 10 in the morning at North East and blew and rained hard till the close of the evening when both wind and rain increased. The wind shifted before midnight to the North West. The gale became a perfect hurricane between twelve and two o'clock on Friday morning the 8<sup>th</sup> instant. The fury of its influence was so violent as to throw down thousands and I believe from report hundreds of thousands of the most vigorous trees in the country, tearing some up by the roots, others snapping short in the middle. Many houses blown down with the Court House of Brunswick County. All the indian corn and rice leveled to the ground and the fences blown down, add to this upwards of twenty saw mill dams carried away with many of the timber works of the mills, and lastly scarce a ship in the river that was not drove from her anchor and many received damage. This my Lord is but the relation of what happened within fifty miles of this town. We are therefore in hourly expectation of receiving as melancholy accounts from other parts of the province. It is imagined that as the corn was within six weeks of its maturity, the planters may save about half a crop, but they have no hopes of recovering the rice lying at this period under water from the freshets that this gust occasioned. The country will I fear be greatly distressed this winter for provisions as far as this gale has extended, for the people will not only be short of corn, but the hogs which are the support of many families will lose the acorns and nuts in the woods which used to fat them for market, the wind having stripped every acorn from the trees before they were ripe. In short, my Lord, the inhabitants never knew so violent a storm; every herbage in the gardens had their leaves cut off. This hurricane is attributed to the effect of a blazing planet or star that was seen both from Newbern and here rising in the east for several nights between the 26<sup>th</sup> & 31<sup>st</sup> of August, its stream was very long & stretched upward towards the S<sup>o</sup> West.



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[FROM ORANGE COUNTY COURT RECORDS.]

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NORTH CAROLINA, }  
 Hillsboro District } Ss.

At a Superior Court of Justice begun and held for the district aforesaid at the Court house in Hillsboro on the 22<sup>nd</sup> day of September, in the year of Our Lord, one thousand, seven hundred and sixty nine, 1769.

Present

The Honorable Maurice Moore Esq. Associate Justice.

The Sheriff of Granville County returns his list of Jurors, viz. James Yancey, Charles Rust Eaton, Reuben Searcy, Solomon Alston, Sherrard Harris, David Mitchell, Jesse Saunders, Cuthbird Hutson, Samuel Sneed, William Potter, John Young, Robert Lanier.

The Sheriff of Orange County returned the following list of Jurors, viz. John Hogan, John Payne, John Gray, Enoch Bradley, John Patterson, Nathaniel Hart, John Nunn, Washam Glenn, Charles Matthews, Tignal Jones, Nathaniel Jones, Wm. Rhodes, Richard Berry, William Nunn, Jun. Ebener Starns, John M'Donald, John Lowe, Gabriel Davie, William Stroude, Jun. Joseph Gold, Archibald Boling, Robert Lytle, George Foote, Samuel Parkes, Benjamin Black, Chas. Powell, John Powell, Jessie Oldham, William Pauly, Thomas Connelly, James Craig, William Lassiter, John Hunter, Joseph King, Thomas Hart & James Minnis.

On motion being made by John Noe, son of Peter Noe, (Miller) that he might be naturalized & proving to the Court that he had taken the sacrament of the Lord's Supper & other requisites by Act of Parliament specified, he accordingly was naturalized by taking the oaths, and making & subscribing the declaration by Law appointed.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

BRUNSWICK 24<sup>th</sup> September 1769.

In my letter of 15<sup>th</sup> instant I informed your Lordship of the damages this corner of the province had sustained from the Storm of the 17<sup>th</sup> instant Ravages but inconsiderable to what Newbern expe-

rienced as will appear from the extract of a letter I have the honor to transmit to your Lordship dated from that town the 10<sup>th</sup> instant. From an intimate knowledge I have of that place I am fully persuaded more than two thirds of the effects of the town was destroyed by the storm. I shall be at Newbern the middle of next month in order to meet the General Assembly there on the 19<sup>th</sup> at which time I shall be able to form a better judgment of the losses sustained, and to fall upon some expedient if possible to lighten the misfortunes of the sufferers and to raise from its present ruins a town so lately in a promising and flourishing state.

I had this day by express from the Post Master of the Southern Department your Lordships letter N<sup>o</sup> 25. The conduct of the Legislature in the nomination of an Agent I hope will be conformable to his Majestys intentions. I shall observe your Lordships declarations with regard to the emission of a paper currency.

On the 20<sup>th</sup> instant I was honored with a large packet from your Lordships office containing dispatches for the Governor of South Carolina, Virginia, Maryland and Pennsylvania which I shall forward with care. As Mr. De Lancey's express has orders to proceed no further than Wilmington and then to return to Charles Town I have no regular conveyance of letters through the province, therefore esteem the letters of government for other colonies directed under cover to me not to be the readiest conveyance to their respective stations.

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The Extract of the Letter referred to on the preceeding side, as follows.

The effects of the storm which happened in the night of the 7<sup>th</sup> instant is so fatal to Newbern that I cannot omit giving your Excellency the best account I can of it, Beginning with Mr John Smith whose store full of goods was undermined with the washing of the waves and tumbled down and broke to pieces and all the goods washed away, besides this his wharf and a large ware house that stood upon it, was broke to pieces and scattered along shore. The cellars of the house where he lived being well stored with wine, rum, sugar, &c, &c, were undermined and destroyed and all it contained either stove to pieces or floated away by the violence of the wind and current. He saved himself and family by cutting through in the garret to Mr Cornells house which they entered but soon were obliged to leave carrying along with them Mr Cornell's children

and the nurse by which means they were saved, for the floor of the house very soon after fell in and with the furniture washed away. Mr Smith's two sloops are also lost, one stove to pieces at the wharf the other drove up near the edifice, so high that she never will be got off. It is supposed his losses cannot amount to less than three thousand pounds. Mr Cornells cellar under his dwelling house was undermined and the wall destroyed, the piazza all thrown down and carried away. Out of the cellar floated away and stove together, near two hundred hogsheads of molasses, eighty hogsheads of rum and several pipes of wine, besides many other articles of value, some of the wine, rum and molasses have been since found. Two store houses that stood on his wharf well filled with very valuable goods beat down and carried away together with the wharf. The goods all lost and destroyed. His brig drove over the large marsh to the south westward of the town quite into the woods and entirely lost, also the large sloops belonging to strangers drove up and lost near the brig. Mr Cornell's ready money store kept by Partridge at the corner opposite Mr Ellis's destroyed with all the goods and money and the store keeper so bruised that it is thought he cannot live. All the houses on the left hand side the street from this corner up as far as Mr Cogdell's washed down and floated away. Two women, Mrs Johnston and Mrs Pope with their two children and two negroes were drowned or killed by the ruins of these buildings, no other life lost that we know of as yet. Mr Ellis's wharf and store houses with the goods in them washed away and entirely lost. The cellars of his store opposite the front of his dwelling house undermined and the wine, rum, &c. &c. washed out and stove to pieces. Those buildings of Mr Clitheralls where Mr Neale lived and kept the public ferry and those long houses of Mr Wilton's next adjoining are entirely destroyed, not one stone left upon another. The part of the still house next the water beat down and the works destroyed almost irreparable. Doctor Hasten's tan house, stores and yard entirely ruined and destroyed and the chimneys of his dwelling house fallen off on the roof but luckily did it no damage. His garden is quite torn up and ruined. Mr Davis's house a mere wreck, his printing office broke to pieces, his papers destroyed and types buried in the sand, his desk stove and what money he had with all his private papers entirely lost. The pailing where your Excellency lives when in Newbern blown down and the front of the lott up to the gates washed away, it will take much time and trouble to secure it from

the influence of any common brisk easterly wind. Mr Cove's store with the store house on the wharf next to this thrown down and carried away with all the goods they contained. Col<sup>o</sup> Leeches tan house with thirteen other little houses situated about it and belonging to him are entirely destroyed. Many other people have lost all they had in the world, among these is the unfortunate Mr Seagreaves who with a large family of small children has not now a second shirt to his back..

The Edifice has received no damage that I know of, if any, it must be very inconsiderable, for though I have seen Mr Hawks he never has mentioned any thing of the kind to me.

Newbern is really now a spectacle, her streets full of the tops of houses, timber, shingles, dry goods, barrels and hogsheads, empty most of them, rubbish &c. &c. in so much that you can hardly pass along; a few days ago so flourishing and thriving — it shows the instability of all sublunary things.

Thus I thought it my duty Sir, to give your Excellency the best accounts I could of an event so fatal to a place which has always had your protection and encouragement and which I hope will still merit a continuance of the favors it has received from your Excellency.

Mr Cornell's loss from a moderate computation cannot amount to less than four or five thousand pounds.

(Signed)

THOMAS CLIFFORD HOWE.

Dated 10<sup>th</sup> Sept 1769.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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M<sup>r</sup> SPEAKER AND GENT OF THE ASSEMBLY.

The Petition of the Inhabitants of Anson County, being part of the Remonstrance of the Province of North Carolina,

HUMBLY SHEWETH

That the Province in general labour under general grievances, and the Western part thereof under particular ones; which we not only see, but very sensibly feel, being crouch'd beneath our sufferings: and notwithstanding our sacred priviledges, have too long yielded ourselves slaves to remorseless oppression. — Permit us to conceive it to be our inviolable right to make known our grievances,

and to petition for redress; as appears in the Bill of Rights pass'd in the reign of King Charles the first, as well as the act of Settlement of the Crown of the Revolution. We therefore beg leave to lay before you a specimen thereof that your compassionate endeavours may tend to the relief of your injured Constituents, whose distressed condition calls aloud for aid. The alarming cries of the oppressed possibly may reach your Ears; but without your zeal how shall they ascend the throne — how relentless is the breast without sympathy, the heart that cannot bleed on a View of our calamity; to see tenderness removed, cruelty stepping in; and all our liberties and priviledges invaded and abridg'd (by as it were) domesticks: who are conscious of their guilt and void of remorse. — O how daring! how relentless! whilst impending Judgments loudly threaten and gaze upon them, with every emblem of merited destruction.

A few of the many grievances are as follows, (Viz<sup>t</sup>)

1. That the poor Inhabitants in general are much oppress'd by reason of disproportionate Taxes, and those of the western Counties in particular; as they are generally in mean circumstances.

2. That no method is prescribed by Law for the payment of the Taxes of the Western Counties in produce (in lieu of a Currency) as is in other Counties within this Province; to the Peoples great oppression.

3. That Lawyers, Clerks, and other pensioners; in place of being obsequious Servants for the Country's use, are become a nuisance, as the business of the people is often transacted without the least degree of fairness, the intention of the law evaded, exorbitant fees extorted, and the sufferers left to mourn under their oppressions.

4. That an Attorney should have it in his power, either for the sake of ease or interest, or to gratify their malevolence and spite, to commence suits to what Courts he pleases, however inconvenient it may be to the Defendant: is a very great oppression.

5. That all unlawful fees taken on Indictment, where the Defendant is acquitted by his Country (however customary it may be) is an oppression.

6. That Lawyers, Clerks, and others, extorting more fees than is intended by law; is also an oppression.

7. That the violation of the King's Instructions to his delegates, their artfulness in concealing the same from him; and the great Injury the People thereby sustains: is a manifest oppression.

And for remedy whereof, we take the freedom to recommend the following mode of redress, not doubting audience and acceptance; which will not only tend to our relief, but command prayers as a duty from your humble Petitioners.

1. That at all elections each suffrage be given by Ticket & Ballot.
2. That the mode of Taxation be altered, and each person to pay in proportion to the proffits arising from his Estate.
3. That no future tax be laid in Money, untill a currency is made.
4. That there may be established a Western as well as a Northern and Southern District, and a Treasurer for the same.
5. That when a currency is made it may be let out by a Loan office (on Land security) and not to be call'd in by a Tax.
6. That all debts above 40s. and under £10 be tried and determined without Lawyers, by a jury of six freeholders, impaneled by a Justice, and that their verdict be enter'd by the said Justice, and be a final judgment.
7. That the Chief Justice have no perquisites, but a Sallary only.
8. That Clerks be restricted in respect to fees, costs, and other things within the course of their office.
9. That Lawyers be effectually Barr'd from exacting and extorting fees.
10. That all doubts may be removed in respect to the payment of fees and costs on Indictments where the Defendant is not found guilty by the jury, and therefore acquitted.
11. That the Assembly make known by Remonstrance to the King, the conduct of the cruel and oppressive Receiver of the Quit Rents, for omitting the customary easie and effectual method of collecting by distress, and pursuing the expensive mode of commencing suits in the most distant Courts.
12. That the Assembly in like manner make known that the governor and Council do frequently grant Lands to as many as they think proper without regard to Head Rights, notwithstanding the contrariety of His Majesties Instructions; by which means immense sums has been collected, and numerous Patents granted, for much of the most fertile lands in this Province, that is yet uninhabited and uncultivated, environed by great numbers of poor people who are necessitated to toil in the cultivation of bad Lands whereon they hardly can subsist, who are thereby deprived of His Majesties liberality and Bounty: nor is there the least regard paid to the cultivation clause in said Patent mentioned, as many of the

said Council as well as their friends and favorites enjoy large Quantities of Lands under the above-mentioned circumstances.

13. That the Assembly communicates in like manner the Violation of His Majesties Instructions respecting the Land Office by the Governor and Council, and of their own rules, customs and orders, if it be sufficiently proved, that after they had granted Warrants for many Tracts of Land, and that the same was in due time survey'd and return'd, and the Patent fees timely paid into the said office; and that if a private Council was called on purpose to avoid speculators, and peremptory orders made that Patents should not be granted; and Warrants by their orders arbitrarily to have Issued in the names of other Persons for the same Lands, and if when intreated by a solicitor they refus'd to render so much as a reason for their so doing, or to refund any part of the money by them extorted.

14. That some method may be pointed out that every improvement on Lands in any of the Proprietors part be proved when begun, by whom, and every sale made, that the eldest may have the preference of at least 300 Acres

15. That all Taxes in the following Counties be paid as in other Counties in the Province (i e) in the produce of the Country and that ware Houses be erected as follows (Viz<sup>t</sup>)

In Anson County at Isom Haleys Ferry Landing on PeDee River,  
Rowan and Orange at Cambleton in Cumberland County,  
Mecklenburg at ----- on the Catawba River, and in  
Tryon County at ----- on ----- River.

16. That every denomination of People may marry according to their respective Mode Ceremony and custom after due publication or Licence. —

17. That Doct<sup>r</sup> Benjamin Franklin or some other known patriot be appointed Agent, to represent the unhappy state of this Province to his Majesty, and to solicit the several Boards in England:—

Dated October y<sup>e</sup> 9<sup>th</sup> 1769

John Snor	John Ryle	Sam <sup>l</sup> Gaylord
Isaac Armstrong	John Culpepper	Richard Sands
W <sup>m</sup> Thomson	John Jones Sr	Jason Irol Hinsinbru
Auth <sup>d</sup> Hutchins	W <sup>m</sup> Grifen Hogon	Thom <sup>s</sup> Preslar
Seamor Almond	Richard Maner	Thompson Culpepper
Isaac Falconberg	John Watts	Daniel Culpepper
Francis Smith	John Davis	John Snider

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Jn <sup>o</sup> Jeffery	Rich <sup>d</sup> Leak	W <sup>m</sup> . Mims
Neal French	Charles Hines	Robert Smith
Jero Miller	John M <sup>o</sup> Ilvailly	Zechariah Smith
Tirey Robinson	Van Swearingen	John Smith
Gabrill Davis	William Hore	John Thomas
Aquila Jones	Joseph Martin	Will <sup>m</sup> Burt
Thomas Tallant	Thomas Nelson	Edw <sup>d</sup> Smith
James Denson	William Burns	Elija Clark
W <sup>m</sup> Raiford	John Leveritt	John Clark
John I. Merree	Theofilis Williams	James Adams
Geo Wilson	W <sup>m</sup> Leveritt	Tho <sup>s</sup> Mason Jun <sup>r</sup>
Robert Webb	Jam <sup>s</sup> Williams	John Bennet
Thomas Taylor	John Coleman	Jonathan Turner
David Smith	Meeager Edwards	Barnabee Skipper
James Barker	Anth <sup>o</sup> Mathis	George Skipper
John Mims	Fagan Gring	John Jenkins
John Brooks jun <sup>r</sup>	Sam <sup>n</sup> Ratcliff	David Phelps
W <sup>m</sup> C. B. Bond	John Long	John McNish
John Bond	Charles Smith	John Cockerham
Moses M. Tallant	James Bound	Jonathan Lewellyn
Benj <sup>s</sup> Dumas	Abraham Pelyou	Leonard Franklyn
Joseph White	Jason Meadow Jr	Edward Almond
W <sup>m</sup> Sidden	Jason Meadow	Thos. Mims
Silvanus Waker	Robert Broadaway	John Stinkberry
John Smith Sondhill	Sam <sup>l</sup> Tonehberg	William Leaton
David Dumas	Samuel Flake	Luke Robinson
Benjamin Smith	Tho <sup>s</sup> Balice	John Webb
William Benton	John Preslie	Andrew Griffin
W <sup>m</sup> Coleman	John Cartright	George Estress
Alex <sup>r</sup> M <sup>o</sup> Pherson	Tho <sup>s</sup> Lacy	James Griffin
E Pickett	John Jackson	W <sup>m</sup> Estress
Thomas Gowers	Joseph French	Stephen Bush
Jonathan Gowers	William Newberry	Joseph Burcham
Stokey Yeamons	Lennard Webb	Stephen Piecock
Tho <sup>s</sup> Harper	Julius Holley	David Jernigan
John Johnson	John James Jun	Rob <sup>t</sup> Jarman
James Upton	John James Sen <sup>r</sup>	William Thredgill
Jacob Watson	Jimmey James	Rob <sup>t</sup> Lowery
Isaac Belvin	Jonathan Helms	Denes Norlen
Owen Slaughter	Tilmon Helms	Lewis Lowery



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Tho <sup>s</sup> Wright	James Sanders	Edward Chambers
Patrick Sanders	John Bailey	Tho <sup>s</sup> Pickett
William Ussery	David Cox	Jowl Jormal
William Jowers	John Horback	Yomond Lloyd
Shadrach Denson	Beaty Web	Tho <sup>s</sup> Word
Joseph Harrison	Isaac Inceste	William Lucas
Joseph Howelt	William Weeb	Christopher Butler
Thomas Ussery	Walter Gibson	John Sowel
John Thomas	Silvester Gibson	Edward Morris
Benj <sup>a</sup> Covington	Burlingham Rudd	William Treneen
Isam Haley	John Murphy	John Williams
Silas Haley	John Liles	John Burcham
George Belvin	James Liles	W <sup>m</sup> Sowel
William Blewet	Tho <sup>s</sup> Arrington	John Carpenter
Dan <sup>l</sup> Laws	James Macknejh	Francis Jourden
Abraham Bellew	Thomas Fox	Henry Burcham
Tho <sup>s</sup> Donnor	Henry Stokes	William Morris
Joseph Hindes	John Brooks Jun <sup>r</sup>	John Morgan
W <sup>m</sup> Haley	Thadwick Hogins	James Burcham
Thomas Moorman	Tho <sup>s</sup> Barrotz	James Sanders
Frances Clark	Jas E Arnet	Joseph Morris
Jeremiah Terrell	Tho <sup>s</sup> Trull	Samuel Sowel
Darass Burns	W <sup>m</sup> Culpepper	Charles Sowell
Tho <sup>s</sup> Baley	John Cooper	James Gibson
Stephen Bush	John Tho <sup>s</sup> Suggs	William Gibson
Jacob Cockerham	John Hornbeck	Joseph Hunt
John Flowel	William Dinkins	Rich <sup>d</sup> Braswell
Stephen Jackson	Thomas Dinkins	George Braswell
John Jones	Marverick Layn	W <sup>m</sup> Lucas Jun <sup>r</sup>
Archelam Moorman	Waterman Boatman	Joseph Allen
William Digge	John Simmons	W <sup>m</sup> Morris Jun <sup>r</sup>
Bennakia Moorman	Augustine Prestwood	Lewis Sowell
Wil <sup>m</sup> Haley Jun <sup>r</sup>	Richard Downs	John Skinner
John Mathews	Sam <sup>el</sup> Ratcliff Jun <sup>r</sup>	Jesse Wallas
James Mathews	Elisha Ratcliff	Welcome Ussery
Joseph Web	John Poston	Matthew Raiford Jun <sup>r</sup>
John Falconbery	John Poston Sen <sup>r</sup>	Elisha Thomson
Andrew Falconbery	Ned Mathes	John Thompson
Isaac Falconbery Jun <sup>r</sup>	Benjamin Bunt	Goin C Morgan
Henry Falconbery	Christopher Christian	

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE CAPTAIN GENERAL  
& GOVERNOR IN CHIEF IN AND OVER HIS MAJESTY'S PROVINCE  
OF NORTH CAROLINA.

To the Honourable Members of his Majesty's Council, To the Speaker  
and Gentlemen of the House of Assembly of the Province of  
North Carolina, the Petition of the Inhabitants of the County of  
Orange humbly sheweth,

That whereas by reason of the Great Distance we your petitioners  
live from any Publick Inspections, whereto we may carry Tobacco  
Hemp, and other Commodity's, that we your Petitioners are Greatly  
Discouraged from attempting the making Tobacco & the Cultivation  
of Hemp, Two of the most valuable as we apprehend profitable  
Branches (the Quality of the soil of this Country being Particularly  
suited to those articles) of Husbandry from Consideration after a  
long & laborious process of preparing them for sale, that the Posses-  
sor is obliged to be at the further Trouble, Labour and Expence, of  
Transporting those Weighty and Bulky Articles at least one Hun-  
dred miles by Land, before he can be Certain that his Commodity will  
pass an Inspection, or that he shall receive any satisfaction or Recom-  
pence, for the Fruits of his Long Industry, For Remedy whereof  
we your Petitioners most humbly pray, that for the Mutual Benefit  
of the Trader, & the Industrious Laborer & Planter that a Publick  
Inspection may be established at the Town of Hillsborough, in the  
County aforesaid Under such Rules & Regulations & Restrictions as  
to you in your Great Wisdom and Goodness may seem meet, and  
your Petitioners as in Duty bound shall ever pray &c,

F Nash	Ja <sup>s</sup> M Carroll	James Ray
Henry Pattillo	John Patterson	James M <sup>c</sup> Cauley
W <sup>m</sup> Johnston	John King	Sackfield Brewer
James Monro	Jacob Allen	W <sup>m</sup> Ansby
Jn <sup>o</sup> Cooke	John Hart	John Riely
F Richard	Thomas Robeson	Zachariah Downs
J <sup>s</sup> Thackston	Will <sup>m</sup> Reed	John Pond Esq <sup>r</sup>
Ralph M <sup>c</sup> Nair	Rob <sup>t</sup> Clinton	Thomas M <sup>c</sup> Haffey
		Abraham Nelson

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[REPRINTED FROM UNIVERSITY MAGAZINE, VOL. IX. PAGE 339.]

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Petition from the Citizens of Tryon County.

TO HIS EXCELLENCY WILLIAM TRYON, GOVERNOR AND COMMANDER  
IN CHIEF IN AND OVER THIS HIS MAJESTY'S PROVINCE OF NORTH  
CAROLINA; THE HONORABLE HIS MAJESTY'S COUNCIL; AND GEN-  
TLEMEN OF THE GENERAL ASSEMBLY OF THIS PROVINCE.

The petition of the inhabitants of Tryon County, being of the Presbyterian denomination, humbly sheweth that we your petitioners humbly conceive that we have been much aggrieved for some years last past by an act concerning marriages.

1. By the preamble wherein it is set forth that the ministers of our profession not considering themselves included and restrained by the laws theretofore made and provided, did fraudulently and unlawfully celebrate marriage without license or publication of banns. This charge we do aver is wrongfully thrown upon us. We are sorry that a report so scandalous to us and injurious to that reputation we desire always to maintain has ever once been believed. The practice had not then, nor at any other time before obtained among us. The constitution of our church requires thrice the publication of banns, in common with our brethren of the Church of England; and if any minister presumes to join persons in wedlock without license or publication of banns he brings himself under the penalty of total suspension from his office by the rules of our church.

2<sup>d</sup> By the eighth and ninth sections of this act our ministers are forbid to marry with rightful publication of banns—a privilege which a million of our fellow professors in America now enjoy, whose ancestors have enjoyed ever since they settled on this continent; neither was it ever taken from dissenters in America until it was taken from us by this act of which we now complain. We pray and beseech you, therefore, to restore us back to the enjoyment of this privilege, in common with our neighboring provinces. Let us not, we intreat, be the only persons to whom it is denied. Our hopes, trust and confidence is that in your wisdom, after due consideration had, you will alter the several clauses complained of, and permit our clergy to celebrate marriage, with publication of banns, and your petitioners as in duty bound shall ever pray.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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TO HIS EXCELLENCY WILLIAM TRYON ESQ. CAP. GEN. GOV<sup>r</sup>. AND  
COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF N<sup>o</sup>.  
CAROLINA

To the Hon. the Members of his Majestys Council, Mr Speaker and  
Gentlemen of the House of Assembly,

The humble Petition of us Inhabitants of Orange and Rowan  
Countys, true and faithful subjects of his Majesty King George  
the Third

Sheweth,

That we your poor Petitioners, now do and long have laboured under many and heavy Exactions, Oppressions and Enormity, committed on us by Court Officers, in every Station: the Source of which our said Calamity, we impute to the Countenance and Protection they receive from such of our Lawyers and Clerks, as have obtained seats in the House of Representatives, and who intent on making their own fortune, are blind to, and solely regardless of their Country's Interest: are ever planing such schemes, or projecting such Laws as may best Effect their wicked purposes—witness the Summons and petition Act, calculated purely to enrich themselves, and Creatures, at the expence of the poor Industrious peasant, besides a certain Air of Confidence, a being a Part of the Legislature gives these Gentlemen, to the perpetration of every kind of Enormity within reach of their respective offices; and seeing Numbers either from Interested views, for the sake of Treats, or from other sordid Motive, are still so infatuated, and will be, as to vote for these Gentlemen, whereby to advance them to that important Trust: tho' themselves and familys sink as a consequence, and seeing these inconsiderate Wretches, involve your poor petitioners, together with Thousands of other honest industrious familys, in the Common Destruction. We therefore humbly implore your Excellency, your honours, and your Worthys in the most suplicative manner, to consider of, and pass an Act to prevent and effectually restrain every Lawyer and Clerk whatsoever, from offering themselves as Candidates, at any future Election of Delegates, within this Province; and in case any such should be chose, that choice shall be utterly void,

in the same manner as the Law now allows in case of Sheriffs being Elected.

And may it please you to consider of, and pass an act, hereby to allow Clerks of Courts, Crowns &c, certain yearly stated salarys, instead of perquisites; making it highly penal for any Clerk to demand, or even to receive, directly or indirectly, any fee, gift, or reward, under Colour of his Office, any other than his certain stated Salary; and in order to rate the said salarys, may it please you, to lay a certain fine of so much in the pound, on every Action brought to Tryal; with half so much on such as are compromised before Issue Joined, as to you in your great wisdom, shall seem meet: which said fines shall be collected at the same Time and in the same manner with all other Taxes. And may it please you to consider of, and pass an Act, effectually to restrain Lawyers from demanding or even receiving, any other, or greater fee or reward, than is now established by the Laws of this province, with only half so much for such Actions as shall be compromised before Tryal. And as we humbly conceive, the fees now allowed by Law are highly sufficient; and that any other or greater fee, were Oppression and cruelty, and can serve no other purpose, than to enrich one part of his Majestys Subjects, and beggar the other: We therefore beseech you to make such severe act, in order to restrain such open Violation of the Laws, as to you in your great Wisdom shall seem meet. And seeing the now Acting Clerks, have, notwithstanding their many Enormitys, so fortified themselves against all the Laws now in force as to render themselves invulnerable to prosecutions, partly from their own superior Cunning, and partly from our invincible Ignorance We humbly beseech you, to take the same under your serious Consideration, and for our Relief, to pass an Act to call in all the now acting Clerks, and to fill their places with Gentlemen of probity and Integrity, and may it please you to insert some clause in said Act, prohibiting Judges, Lawyers, or Sheriffs, from fingering any of their fees, directly or indirectly, until the Cause, suit or Action, on the which the said fee is due, be brought to a final Determination; and that all Obligations for more than the Legal fee, to be void in Law; this Measure will we hope, effectually prevent those Odious delays in Justice, so Destructive, yet fatally common among us.

And may it please you to grant us a Repeal of the Act, prohibiting Dissenting Ministers from marrying according to the Decretals, Rites and Ceremonys, of their Respective Churches: a privileged

they were debarred of in no other part of his Majesty's Dominions; and as we humbly conceive, a priviledge they stand entitled to, by the Act of Toleration, and in fine, a priviledge granted even to the very Catholics in Ireland, and the Protestants in France. And may it please you to consider of and pass an Act to divide the several Countys within this Province, into proper Districts, appointing a Collector in each, to raise and collect the several Taxes, laid or to be laid, by Law, who shall be accountable, and make all Returns to a County ----- to be nominated ----- with the Assembly. This method will (we humbly conceive) effectually prevent the Sheriffs from robbing and plundering the Country spending their ill got gains in Riot, purchasing Estates, or bearing off the same into other provinces, as they frequently do, to our unspeakable prejudice, who are obliged to make good the Defficiencys, And may it please you to consider of and pass an Act, to Tax every one in proportion to his Estates; however equitable the Law as it now stands, may appear to the Inhabitants of the Maritime parts of the province, where estates consist chiefly in Slaves; yet to us in the frontier, where very few are possessed of Slaves, tho' their Estates are in proportion (in many instances) as of one Thousand to one, for all to pay equal, is with Submission, very grievous and oppressive. We Beseech you to consider of a repeal, of the Summons and petition Act: an Act replete with Misery and ruin to the lowest Class of people throughout the province and may it please you, to pass in lieu thereof, an Act to empower a single Magistrate, to try and determine as high as five or six pounds; without appeal: Assisted by a jury of six men, if Demanded by either of the Contending partys. We further humbly beseech you to consider of, and pass an Act, to make Inspection Notes on imperishable Commodities, of the produce of this province, lawful Tender, at stated prices, in all payments thro'out the province; as such Tenders we humbly conceive, will not in any shape, interfere with his Majesty's Instructions, or with an Act of Parliament, prohibiting any further Impressions of paper Currency; in any of his Majesty's Colonies or Plantations in America.

And may it please you to grant us a Division of the County: Great Inconveniences, as well as expense, attend our Distance from Courts of Justice: And as we humbly conceive such Division, cannot be prejudicial to any number of persons whatsoever, and if obtained thro' your Candor would confer the highest Benefit on your poor petitioners. We beseech you to consider of some proper

Staple or Staples of the Manufactures, or produce of the Country to answer foreign Demands, would not (with Submission) pot Ash be a fine Article, to answer the British Markets; and in a Country abounding in wood, the very Ashes now thrown away, might with encouragement (if manufactured) be a saving, or rather gain, of some Thousands per annum to the province, and render Voyages to Riga, Narva, and Danzick, from Great Britain, for that useful commodity needless

And seeing the State of the Sinking fund, is a Mystery that exercises the ablest Heads among us, and according to the best Calculations thereto made, twenty seven Thousand pounds (besides what is now afloat) was collected from the Province, at the payment of the Tax for the year 1767, more than has ever been emitted: and as we humbly conceive the said sums, are now in the hands of the Treasurers, Sherriffs, and other Officers; to the great prejudice of the Country, of whom these sums are redemanded We therefore humbly implore you, to make diligent Inquisition into their several Departments and inform yourselves justly of the sums raised, by whom, and to what uses applied: As also enquire strictly, into the sums remitted from England, the Quantity, and Disbursements of the same; in like manner to inform yourselves how Starkeys Notes have been disposed of, and whether the province has been charged therewith in common with other Emissions, which we should not, as his Majesty never assented to the Act for striking said Notes. Lastly we humbly implore you to have your Yeas and Nays, inserted in the Journals of your House, and Copys of such Journals, transmitted along with the Copys of the Acts to every Justice that by this means we may have an opportunity to Distinguish our friends from our foes among you, and to Act accordingly at any future choice. And by granting us these just, and wholesome and necessary Laws, you will heal the bleeding Wounds of the Province, will conciliate the Minds of your poor petitioners, to every just measure of Government, will make the Laws what our Constitution ever designed they should be, our protection, and not our Bane, and will cause Joy, Gladness, Glee, and prosperity, diffusely to spread themselves thro every Quarter of this extensive province, from Virginia to the South, and from the Western Hills, to the great Atlantic Ocean. And your petitioners as in Duty bound shall ever Pray

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

A PROCLAMATION.

Whereas a sufficient Number of Members of the General Assembly of this Province have not appeared to constitute a House, I do therefore issue this my Proclamation, hereby Proroguing the said Assembly until Saturday, the 21<sup>st</sup> of this Inst. October then to meet at New Bern for the dispatch of Public business.

Given under my hand & the Great Seal &c. at New Bern 19<sup>th</sup> Oct. 1769. W<sup>m</sup> TRYON.

By Command JOHN LONDON D. Sec'y.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

A PROCLAMATION.

Whereas the General Assembly Stands prorogued to this day, I do therefore issue this my Proclamation hereby Proroguing the said Assembly until Monday the 23<sup>rd</sup> of this Inst. October, then to meet at New Bern for the dispatch of Publick business.

Given under my hand & the Great Seal &c. at New Bern 21<sup>st</sup> Oct. 1769. W<sup>m</sup>. TRYON.

By Command JOHN LONDON D. Sec'y.

[N. C. LETTER BOOK S. P. G.]

Letter from Mr Macartney to the Secretary.

GRANVILLE COUNTY & PARISH

N. CAROLINA Oct<sup>r</sup> 28<sup>th</sup> 1769.

REVEREND SIR,

Immediately after my arrival in New Bern which was in November last I was confined at home several weeks by severe sickness: After my recovery I visited in six extensive parishes, preached in them 49 Sermons, baptized 768 whites and 27 blacks between the middle of December and the latter end of May, and tho' many of



these parishes would have received me very willingly, yet I found none of them would well suit so weakly a constitution as mine. In the beginning of June, I went to Granville, by the advice of Governor Tryon: where I was cordially received by the people, and they still continue to render my life as agreeable as the situation of the place admits of. Since I settled here I have baptized 221 whites and 79 Blacks exclusive of the number above mentioned. There are many Presbyterians in this Parish, and they have a minister settled amongst them. There are likewise many Baptists here, who are great Bigots; but be well assured, Reverend Sir, that I will (from a sense of my Duty and just gratitude to the Society) take every prudent method I am capable of to abolish Dissention and make converts to the Church.

Reverend Sir, Yours &c  
JAS. MACARTNEY.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

### LEGISLATIVE JOURNALS.

#### NORTH CAROLINA — Ss.

At an Assembly begun and held at New Bern the twenty third day of October in the ninth year of His Majesty's Reign and in the year of our Lord, One thousand seven hundred and sixty nine, being the first Session of this Assembly.

In the Upper House.

Present

The Honble	{	Jas Hasell	W <sup>m</sup> Dry	} Esquires
		Lewis De Rosset	and	
		Alex M <sup>c</sup> Culloch	Robert Palmer	

His Excellency the Governor came to this House and was pleased to command the immediate attendance of the Speaker and Gentlemen of the Assembly who accordingly attended, and thereupon His Excellency made to both Houses the following Speech, Viz<sup>t</sup>,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL, MR SPEAKER AND  
GENTLEMEN OF THE HOUSE OF ASSEMBLY.

It is with much satisfaction I meet this new Assembly as the freeholders through the Province have had a late opportunity of return-

ing such representatives as they thought best qualified to serve their Country and of testifying their approbation of the public conduct of those Gentlemen whom they have again chosen to represent them.

I have the pleasure to acquaint you His Majesty has been graciously pleased to leave the regulation of Indian Affairs to the Colonies whose Legislatures must be the best judges of what their several situations and circumstances may require, That the Office of Superintendants however, will be continued for such matters as are of immediate negotiation between the Crown and the Tribes of Indians, and cannot consequently be regulated by Legislative Authority.

As it is not in His Majesty's power to dispence with the Act of Parliament respecting the legal tender of paper currency in the Colonies, no Petition that prays for an emission of paper currency as a legal tender can meet with the success you wish. It is not I am assured however intended, that this intimation should nor will it preclude the fullest consideration that can be given to any representation this Assembly shall make on that subject, or any plan you can suggest for that purpose.

As the affairs of this Province must in some degree necessarily suffer delay for want of a regular Agent at Home, duly authorized to act in every case in which the Interest of the Colony may be concerned, I am to acquaint you that his Majesty's Royal permission to assent to a Law for raising such a sum as shall be necessary, for supporting that establishment, Provided the Agent be appointed by a Law of Governor Council and Assembly specially passed for that appointment, which Law as it originates in the House of Assembly it follows of course that the name of the person must be inserted by the House although the other two Branches of Legislature have each respectively a Negative upon the Bill.

Among several Acts passed last Session of Parliament relating and beneficial to the British Colonies, there is one for the Culture of raw silk in America. This encouragement is so very considerable and the object of it is so interesting both to Great Britain and the Southern Colonies of America that I do in the strongest manner recommend to you, to pursue such measures by permission or otherwise, as may induce the Inhabitants of this Country to enter with spirit and expedition upon so useful and profitable a cultivation. Permit me here to observe to you that the attention of His Majesty and His Parliament to give every possible encouragement to the Productions of the Colonies, though at a considerable expence to

Great Britain, cannot but give the most pleasing reflections to His Majesty's Subjects in America, and be productive of general benefit both to the Mother Country and her Colonies.

Gentlemen of the House of Assembly, The disappointment I met with in the two last Sessions of Assembly oblige me to renew my application for a Provision of powder and lead for His Majestys Service, and the defence of Government. This object is so very important to this Country especially to its Maritime Counties, that I esteem it incumbent on me for the honor and security of the Province to recommend to you to make the necessary Provision of these Articles, particularly as the small quantity of powder remaining in His Majestys Magazine is reported to me as unfit for public Service.

Your public funds demand a stricter examination than they have ever fallen under since the establishment of the Colony; the credit and consideration of this Province is growing up with the increase of its Inhabitants and it is become of the utmost consequence that a settlement of the public Accounts should be forthwith obtained, that a general state of them may be made known to the Country. As I had an opportunity this Summer to procure information with the manner of keeping Public Accounts in a neighboring Colony, I purpose in the course of this Session to lay before you for your deliberation, some observations and regulations on this head, which I wish may assist to expell that cloud which has ever obscured the Public Accounts of the Province.

The community will then chearfully pay the Public Levies, satisfied that they are fairly adjusted and applied to the Services intended. It will be an object too, worthy your strictest enquiry how far the Laws passed for the emission of paper currency have had their effect, and in whose hands the sums raised to sink those emissions remain.

Honorable Gentlemen and Gentlemen of the House of Assembly, The weighty concerns that will fall under your consideration this Session require all possible temper and moderation in the conduct of them. I have the happiness to hope the intelligence I have lately received from home will be very instrumental to the dispatch of public business. I am authorized to inform you notwithstanding any instructions to the contrary that His Majestys present administration have at no time entertained a design to propose to Parliament, to lay any further Taxes upon America, for the

purpose of raising a Revenue, And that it is their intention to propose in the next Session of Parliament to take off the duties upon glass, paper and colours, upon consideration of such duties having been laid contrary to the true principles of Commerce; these I am assured have already been and still are the sentiments of His Majestys present Ministers and the principle by which their conduct in respect to America has been governed. I therefore rely on your prudence and candor that you will give full credit to the late testimony, His Majesty and His Parliament have afforded of their attention and affection to the Colonies, and this explanation of the measures of His Majestys servants—Such a confidence on your parts will tend to remove those prejudices which have been excited by the misrepresentations of those who are jealous of the prosperity of Great Britain and her Colonies and reestablish that cordiality and affection upon which the glory and safety of the British Empire depend.

I shall conclude with calling to your reflection a scene the most melancholy and affecting to this Country, The Calamities arising from the extreme violence of the late storm, which has been too destructive to have failed to excite in every humane breast a sensible compassion and sympathy for the unfortunate sufferers.

The Misfortunes of this Town in particular, have not been confined to the heavy loss of the individual Sufferers, since by the destruction of its banks formed by Nature on the sides of the two Rivers, and formerly thought sufficient bulwarks, the trading part of the Town lies open and exposed to the ravages of every high wind and tide, which can only be prevented for the future at an expence the Town under its present ruinous condition may not be able to defray. It will therefore give me real pleasure if you Gentlemen shall think with me that the public utility requires assistance to be given by the Legislature for that purpose, to one of the most considerable Ports of the Province.

Then the House adjourned till 10 °Clock tomorrow morning.

Tuesday Morning 24<sup>th</sup> October 1769

The House met according to adjournment.

Present

The Honble	{	James Hasell	W <sup>m</sup> Dry	}	Esquires
		Lewis DeRosset	and		
		Alex. M <sup>c</sup> Culloch	Robert Palmer		

On motion, ordered that His Excellency's Speech be read, the same was accordingly read and taken under consideration and thereon ordered that Honble Lewis DeRosset and Robert Palmer Esquires be and are accordingly appointed a Committee of this House to draw up and prepare an Address in answer to his Excellency's Speech.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning 25<sup>th</sup> October 1769.

The House met according to adjournment.

Present as before.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday Morning 26<sup>th</sup> October 1769.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Dawson and Mr Vail the following Message Viz: -

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House have appointed Mr Henry Dawson, Mr John Simpson, Mr Andrew Knox, Mr William Cray, Mr Aquilla Sugg, Mr Herman Husband, Mr William Thomson, Mr Thomas Person, and Mr William McKinnie a Committee of this House to state and settle the Public Accounts of this Province, And Mr Richard Caswell, Mr Felix Kenan, Mr Jacob Blount, Mr Edward Vail, Mr John Skinner, Mr John Beasley, Mr Abraham Shepard, Mr Joseph Jones, Mr John Dunn a Committee to settle and allow the public claims, in conjunction with such of your Honors as you shall think proper to appoint.

JOHN HARVEY Speaker

Then the House adjourned till 10 o'clock tomorrow morning.

Friday Morning 27<sup>th</sup> October 1769.

The House met according to adjournment.

Present as before.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday Morning 28<sup>th</sup> October 1769.

The House met according to adjournment.

Present as before.

Then the House adjourned till 10 o'clock Monday morning.

Monday Morning 30<sup>th</sup> October 1769.

The House met according to adjournment

Present

The Honble {	James Hasell	Alex. M <sup>c</sup> Culloch	} Esquires
	Lewis DeRosset	W <sup>m</sup> Dry &	
	John Sampson	Robert Palmer	

Then on Motion the following Message was ordered to be sent to the Assembly Viz<sup>t</sup>

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In answer to your Message relative to the Committees, This House have appointed the Honble Alexander M<sup>c</sup>Culloch, William Dry and Robert Palmer Esqrs a Committee of this House to examine state and settle the public accounts, And the Honble Lewis DeRosset and John Sampson Esquires a Committee of this House to settle and allow the public claims

By order

J. B. Clk.

30<sup>th</sup> October 1769 — In the upper House

The Committee appointed by this House to draw up an address in answer to His Excellency Speech Reported that they had prepared the same, which was ordered to be read; the same was read and approved of and Resolved it stand the Address of this House and be entered on the Journals thereof as follows Viz<sup>t</sup>

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, HIS MAJESTYS CAPTAIN, GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA

The Humble Address of His Majestys Council of the said Province  
MAY IT PLEASE YOUR EXCELLENCY,

We his Majestys most dutiful and loyal subjects the Members of his Council beg leave to return your Excellency our thanks for your Speech at the opening of this Session.

With gratitude we acknowledge His Majestys paternal indulgence in leaving the regulation of the Indian affairs to the Colonies

The regard your Excellency has pleased to assure us will be shown to the representations of the General Assembly respecting an emission of paper currency, gives us hopes that an Act of Parliament may be obtained for that purpose to relieve the Inhabitants of this Province from the distresses we labour under for want of Money.

We flatter ourselves an Act will be passed this Session for appointing an Agent in England; the necessity of such an appointment is so obvious that we believe no difficulty can arise upon the subject.

The encouragement given by Act of Parliament for the culture of raw silk in America, We hope will induce the Inhabitants of this Province to enter with spirit upon such a cultivation profitable to themselves and advantageous to Great Britain

The assurances your Excellency has been pleased to give us of the disposition of His Majestys Ministers toward the American Colonies and of their intention to propose to Parliament the repeal of the Acts laying dutys on glass, paper and colours are timely pleasing and will be effectual in healing the unhappy divisions and jealousies that have been destructive to the Trade of Great Britain and America and restore that affection and confidence upon which the happiness of both so greatly depend.

We are sensibly affected with the calamities arising to this Province from the extreme violence of the late storm. The losses of the inhabitants of this Province in particular are truly deplorable; We sympathise with them in their misfortune and shall readily concur in such measures as may be most effectual to prevent the like devastations for the future.

This House, ever attentive to the good of their country and actuated by an inviolable loyalty to his Majesty, will use their utmost influence to preserve that harmony which subsists between every branch of the Legislature, and with the temper and moderation strongly recommended by your Excellency, co-operate with the Assembly in the several weighty matters you have been pleased to mention and such other important affairs as may arise during this Session and thereby continue the happiness derived to this Province under your Excellencys wise and benign administration.

J. HASELL Pres<sup>th</sup>

By order

J. B. Clk.

30<sup>th</sup> October 1769. In the Upper House.

Received from the Assembly by Mr Knox and Mr Slade the following Bills Viz<sup>t</sup>

A Bill for appointing an Agent to solicit the affairs of this Province at the several Boards in England.

A Bill for erecting the upper part of Tyrrell and lower part of Halifax Counties into one separate and distinct County and Parish by the name of ---- County and ---- Parish and other purposes.

A Bill to empower the Justices of Hertford County to establish free ferries and bridges in the said County and lay a Tax for defraying the charges thereof.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday Morning 31<sup>st</sup> October 1769.

The House met according to adjournment.

Present as before.

On motion the Bill for appointing an Agent to solicit the affairs of this Province at the several Boards in England, was read the first time and passed.

Received from the Assembly by Mr Dunn and Mr Kenan the following Bills Viz<sup>t</sup>

A Bill to encourage the destroying of vermin in the several Counties therein mentioned. On motion read the first time and passed.

A Bill to prevent burning the woods at unseasonable time of the year. On motion read the first time and passed.

A Bill for appointing a Ballast Master of the navigation for the Swatch and Beacon Island road, near Ocacock Inlet. On motion read the first time and passed.

A Bill for the regulation of the Town of Salisbury, securing the Inhabitants in their possessions and to encourage the settlement of the said Town and other purposes.

On motion the Bill for empowering the Justices of Hertford County to establish free ferries and bridges in the said County and laying a Tax for defraying the charges thereof, was read the first time and passed.

Received from His Excellency the Governor by Mr Edwards His Excellencys Secretary the following Message Viz<sup>t</sup>

GENTLEMEN OF HIS MAJESTYS COUNCIL

Having this day laid before the House of Assembly, some regulations for the better keeping the public accounts of the Province I



herewith transmit to you a dispatch of the same for your consideration.

W<sup>m</sup>. TRYON.

31<sup>st</sup> October 1769.

The paper containing the regulations mentioned in the above message is as follows, Viz<sup>t</sup>.

Recommended by His Excellency to the House of Representatives now assembled as an object worthy their attention that they take under consideration the state of the public Revenue and the regular application thereof for the purposes to which it is appropriated.

The fact is too well known to admit of a denial [considerable sums] have been lost by the negligence or insolvency of Sheriffs and other collectors with their sureties.

And it is persuaded that in the same course of time considerable sums have been sunk after they were lodged in the public Treasury whereof no account has hitherto been made.

A Law of this Province lately passed will if executed with vigor probably in a great measure prevent for the time to come the first of these mischiefs, and a Law to prevent the latter might be of great public utility, for mankind never part with their money either for their private or public benefit so readily as when assured that it must be honestly employed for the purposes intended.

A constant regular plain and uniform method of keeping the Accounts of the public revenue and of stating and settling these accounts may prevent such abuses and make it extremely difficult if not impracticable to embezzle the public money.

The House therefore will consider it for the future the Public Treasurers respectively for the time being shall be obliged to keep a regular Diary or Day book in which shall be entered every particular sum of money received or paid by them on account of the Public with the name of the person from whom received or to whom paid as well as the day, and nature of the transaction.

A cash book debtor and creditor where the Treasurer upon one side shall make himself debtor for all sums of public money paid in to him, and on the other side creditor for all sums of public money paid out by him, with the dates of such receipts and payment, which cash book is altogether abstracted from Diary or Day book.

A Ledger in which an account debtor and creditor is opened with every particular officer whose duty it is to collect any part of the

public revenue and to pay it into the Treasury by which every Sheriff or collector of the several Poll taxes or wheel tax is charged debtor for the gross account of these branches of the Revenue within his County as ascertained by the several lists of Taxables of the respective Counties, every collector or receiver of the duties on spirituous liquors &c<sup>a</sup> is charged debtor for the gross account of that branch of the Revenue within his district ascertained by the Custom House Books, a copy of which should be quarterly or half yearly transmitted attested by the said collector or receiver, to the Treasurer of his district, and all the Clerks charged with the gross account of the duty on Law suits as ascertained by their sworn lists; And all these Officers to have credit in their said accounts for the insolvents allowed by the several county Courts and for all the Monies paid by them into the Treasury as also credit for their Commissions as provided by Act of Assembly. This Ledger grows out or is extracted from the Diary or Day Book and Cash Book.

Another Ledger or General Book of Public Accounts wherein an account debtor and creditor is opened between the treasurer on one side and every particular fund appropriated by the Legislature on the other side; And the Treasurer shall therein charge himself debtor to each particular fund separately for the gross account of that fund as ascertained by the lists of Taxables of the several Counties, the Custom House or Receivers Books and the sworn lists of the several Clerks aforementioned and creditor for the deficiencies of each fund by insolvencies, By the money in the hands of each of the collectors, Sheriffs, &c<sup>a</sup>, By the several payments issued out of the Treasury, and by the Commissions provided by the Act of Assembly.

This last though necessary book is no more than a general abstract of the whole by which each Treasurer makes himself on one side debtor for the gross account of the Revenue within his district arising from each particular Tax in as many Articles as there are particular Taxes, as if there were no insolvencies or deficiencies, and makes himself creditor on the other side for the gross account of insolvencies and deficiencies of each particular Tax, also the monies in the hands of the Sheriffs and other Collectors for the payment he has made and for his Commissions, and the ballances in the Treasurers hands of each Tax respectively which when added up and brought to a sum Total will be found to be the money in the Treasury. To this last Account may be subjoined a list of the suits brought

in Law or Equity for recovery of public debts as directed by Act of Assembly.

That there be a Standing Committee of five or seven, three at least of whom be a Quorum to be appointed by the House of Assembly, who shall be impowered and required to meet at least twice a year at a certain time and place during the prorogation of Assembly, That the Treasurers shall be obliged to lay before the Committee every forementioned Book of Accounts of the public money and all the documents and vouchers of these Accounts which Committee shall be impowered and required to examine and audit these Accounts, Documents and Vouchers and to give the Treasurer a Certificate thereof, And make a true and faithful report of the same to the House of Assembly at the ensuing Session.

That before this Report shall be taken under consideration all these Books of Account with the Documents and Vouchers thereof together with the Report of the Committee shall by public order of the House be directed to lie on the Table for a certain number of days under the care of the Clerk of the House of Assembly, That every member of the House may have access if they please to see and examine these Accounts, Vouchers and Report, and when the House is satisfied with the same, these Accounts, Vouchers and Report to be referred to a Committee of both Houses for a re-examination if they think fit of such public accounts as have at their foot the certificate of the standing Committee, and also to examine and state all such public Accounts as may have been transacted by the Treasurers between the last settlement of the said standing Committee and the sitting of the Committee of both Houses, And when the latter have made their report thereon to the House of Assembly before the final passing of these public Accounts by the three bodys of the Legislature, the Treasurers shall be directed to attend the Governor as first Magistrate and make Oath before him that the said public Accounts and all the Articles contained therein are just and true, and obtain from him to produce to the House of Assembly a certificate of their having done so.

As the foregoing method of keeping the Public Accounts regard more the future than the past, it might perhaps be expedient to take out of the present Treasurers hands the collections of all monies due to the public before their respective appointments to their office (after obliging them to account for the sums already by them received) and to appoint some proper person or persons duly author-

ized by the Legislature to settle and adjust those arrearages and to receive and account for the same to the General Assembly. This would make it easy for the Treasurers to digest their accounts into a regular and plain method and prevent the confusion that must attend their being embarrassed with those old demands, a great part of which must necessarily be a loss to the public.

Then the House adjourned till 10 °Clock tomorrow morning.

Wednesday Morning 1<sup>st</sup> November 1769.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Edwards and Mr Edw<sup>d</sup> Hare the following Bills Viz<sup>t</sup>.

A Bill in addition to an Act to prevent the unreasonable destruction of fish in the Rivers of Meherrin, Pee Dee and Catawba. On motion read the first time and passed.

A Bill for the more easy and speedy recovery of small debts and other purposes. On motion read the first time and passed.

Then the House adjourned till 9 °Clock tomorrow morning.

Thursday Morning 2<sup>d</sup> November 1769.

The House met according to adjournment.

Present as before.

Received from the Assembly the following Bills p. Mr Rennie and Mr Thompson.

A Bill for confirming the qualification of Henry Lockey Sheriff of Beaufort County. On motion read the first time amended and passed.

A Bill to encourage the destroying of vermin in the several Counties therein mentioned. On motion read the second time amended and passed.

A Bill to prevent burning the woods at unseasonable times of the year. On motion read the second time amended and passed.

Received from the Assembly by Mr Woodhouse and Mr Moore the following Message Viz<sup>t</sup>

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House herewith send you the petition of Jas. Kennedy to whom we have Resolved the sum of thirty pounds to be paid out of

the contingent Fund; And that the Treasurers be allowed the same in their Accounts with the public to which we desire your Honors Concurrence.

JOHN HARVEY Speaker.

1<sup>st</sup> Nov 1769.

Concurred with.

J. HASELL, President.

Received from the Assembly by Mr Kenan and Mr Thomas the Bill for appointing an Agent to solicit the affairs of this Province at the several Boards in England, On motion read the second time, amended and passed.

On motion the Bill for erecting the upper part of Tyrrel and lower part of Halifax Counties into one separate and distinct County and Parish by the name of ----- County and ----- Parish, and other purposes, was read the first time and passed.

Received from the Assembly by Mr Polk and Mr Relfe, a Bill to empower the Justices of the several Counties therein mentioned to establish free ferries and bridges in their respective Counties and lay a Tax for defraying the charges thereof.

Then the House adjourned till 10 o'clock tomorrow.

Friday Morning 3<sup>d</sup> November 1769.

The House met according to adjournment.

Present as before.

Received from the Assembly a Bill for the more easy and speedy recovery of small debts and other purposes, On motion read the second time, amended and passed.

Received from the Assembly the following Bill and Message, Viz<sup>t</sup>,  
A Bill for further continuing an Act entitled an Act for appointing a printer to this Province, On motion read the first time and passed.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We send you herewith an Account of disbursements by His Excellency William Tryon Esq, Governor &c<sup>a</sup> amounting to eighty two pounds two shillings and two pence, which this House have allowed to be paid out of the contingent Fund and desire your Honors concurrence thereto.

JOHN HARVEY, Speaker.

3<sup>rd</sup> Nov 1769

3<sup>rd</sup> Nov — In the upper House, read and concurred with

J. HASELL, President.

Received from the Assembly by Mr Rutherford and Mr Slade a Bill to amend an Act Intituled an Act to [prescribe] what fences are sufficient, On motion read the first time and passed.

Received from the Assembly by Mr Blount and Mr Shepard a Bill for appointing an Agent to solicit the affairs of this Province at the several Boards in England.

On motion ordered that the following Message be sent to the Assembly Viz<sup>t</sup>,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the "Bill for appointing an Agent to solicit the affairs of this Province," &c<sup>a</sup>, We observe an impropriety in the words "during the Term aforesaid" in the 15<sup>th</sup> & 16<sup>th</sup> lines from the top of the said Bill, which we propose to *dele*, And also the words *the said term* in the 24<sup>th</sup> line from the top and insert the words *this Act* — to which if you agree please send some of your members to see those alterations made.

By order

J. BURGWIN, Clk.

3<sup>rd</sup> Nov 1769.

Received from the Assembly by Mr Blount and Mr Sheppard the following Message Viz<sup>t</sup>,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House send you the petition of John Smith of New Bern Merchant with the affidavits thereto annexed to whom we have Resolved, that the sum of four hundred and seventy three pounds be paid by the Treasurers out of the sinking fund and allowed them in their accounts with the public, to which we desire your Honors Concurrence.

JOHN HARVEY, Speaker.

3<sup>rd</sup> Nov. 1769 — In the Assembly.

3<sup>rd</sup> Nov. 1769 — In the upper House.

Concurred with

J. HASELL, President.

By order

J. BURGWIN, Clk.

Received from the Assembly by Mr Bonner and Mr Wynn the following Bills, Viz<sup>t</sup>,

A Bill for confirming the qualification of Henry Lockey Sheriff of Beaufort County, On motion read the second time amended and passed.

A Bill for erecting the upper part of Tyrrel and the lower part of Halifax Counties into one separate and distinct County and Parish by the name of ----- County and ----- Parish and other purposes, On motion read the second time amended and passed.

Received from the Assembly by Mr Vail and Mr Bell the following Message, Viz<sup>t</sup>,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your Message of this day relative to the Bill for appointing an agent to solicit the affairs of this Province at the several Boards in England,

We agree to the alterations you propose in the said Bill, and send Mr Vail and Mr Bell two of the Members of this House to see the alterations made.

JOHN HARVEY, Speaker.

Then on motion the alterations mentioned were made in the said Bill and the Bill was read a third time and passed and ordered to be engrossed.

Received from the Assembly by Mr Kenan and Mr Dickson the following Bills, Viz<sup>t</sup>,

An additional Bill to an Act Intituled an Act for preventing the frequent abuses in taking up and secreting of stray Horses in the Counties of Orange, Granville, Bertie, Rowan, Anson, Mecklenburg, Johnston, Dobbs, Halifax, Edgecombe, Northampton, Hertford, Tyrrell, Craven, and Pitt, On motion ordered to lie on the Table for consideration.

A Bill for the further amendment and continuing an Act Intituled an Act to prevent the exportation of unmerchantable commodities, On motion read the first time and passed.

Then the President attended by the House waited on His Excellency and presented to him their Address, to which His Excellency was pleased to return the following Answer, Viz<sup>t</sup>,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

Your affectionate sentiments of loyalty to His Majesty and your zeal for his interest in the welfare of this Province, have been repeatedly testified in your public conduct, by promoting the harmony of His Majesty's Government and the felicity of its Inhabitants.

I esteem myself highly honored by your favorable opinion of my administration, the success of which I place entirely to the wisdom of your Councils, and the support I have hitherto experienced from both Houses of Assembly; for no honor, no consideration is mine, but as it is reflected on me, through the aid and assistance of those branches of the Legislature.

W<sup>m</sup>. TRYON.

Then the House adjourned till 11 °Clock tomorrow morning.

Saturday Morning 4<sup>th</sup> November 1768

The House met according to adjournment,

Present as before,

Received from the Assembly by Mr Bonner and Mr Woodhouse a Bill for confirming the qualification of Henry Lockey Sheriff of Beaufort County, On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Person and Mr Lewis, a Bill to amend an Act for Ascertaining what Attorneys fees shall be taxed and allowed in any suit or action brought in any of the Courts of Record in this Province, On motion read the first time and passed.

Received from the Assembly by Mr Simpson and Mr Polk a Bill to encourage the destroying of vermin in the several Countys therein mentioned

On motion the Bill to empower the Justices of the several Counties therein mentioned to establish free ferries and bridges in their respective Counties and lay a Tax for defraying the charges thereof, Read the second time amended and passed.

Received from the Assembly A Bill in Addition to the Act Intituled an Act to prevent the unreasonable destruction of fish in the Rivers of Meherrin, Pee Dee and Catawba, Read the second time and passed.

Then the House adjourned till 10 °Clock on Monday Morning.

Monday Morning 6<sup>th</sup> November 1769.

The House met according to adjournment

Present

The Honble	{	Jas Hasell	Alex. M <sup>c</sup> Culloch	} Esquires
		Lewis DeRosset	W <sup>m</sup> Dry, and	
		John Sampson	Robt Palmer	

On motion ordered the following Message be sent to the Assembly  
Viz<sup>t</sup>



MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This day was laid before this House a claim of James Walkér and Thomas Craigg for a negro Wench outlawed and afterwards drowned which being disallowed by your Committee of Claims although claims of the same kind have heretofore been allowed, We herewith send you the certificate granted to the said Walker and Craigg that you may consider thereof.

Received from the Assembly by Mr Blount and Mr Dunn the following Bill and Resolve.

A Bill for erecting the Counties of Anson and Cumberland into a District by the name of ----- and establishing a Superior Court for the same, Read the first time and passed.

Gentlemen of His Majestys Honble Council, This House has Resolved that James Davis be allowed the sum of three pounds he having made it appear that in the late storm he lost a sum equal to that in proclamation money which we have directed to be paid him out of the sinking fund and desire your Honors Concurrence thereto

JOHN HARVEY, Speaker

Nov 6<sup>th</sup> 1769.

Concurred with

J. HASELL, President

Received from the Assembly by Mr Craig and Mr Eaton the following Resolve, Viz<sup>t</sup>

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have allowed Jane Walton, nineteen pounds she having made it appear to the satisfaction of the House that in the late storm she lost a sum equal to that in proclamation or bill money, which was totally destroyed — which sum we have directed to be paid out of the sinking fund and desire your Honors concurrence thereto

JOHN HARVEY, Speaker

Nov 6<sup>th</sup> 1769.

6<sup>th</sup> Nov 1769 — In the upper House Concurred with

J. HASELL, President

By order

J. B., Clk.

On motion the Bill to encourage the destruction of vermin in the several Counties therein mentioned, was read the third time and passed. Ordered to be engrossed.

On reading a third [time] the Bill to prevent burning the woods at unseasonable times of the year, Ordered that the following Message be sent to the Assembly—

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill to prevent burning the woods at unseasonable times of the year; We observe that in the Proviso in said Bill you have *steted* Duplin and New Hanover, which we propose should be *deled* in the said Proviso, to which if you agree please send some of your members to see the same done

6<sup>th</sup> November 1769, In the upper House,

By order

J. B., Clk.

Received from the Assembly by Mr Edwards and Mr Moore the following Bills, Viz<sup>t</sup>

A Bill to impower the Justices of the several Counties therein mentioned to establish free ferrys and bridges in their respective Counties and lay a Tax for defraying the charges thereof.

A Bill in addition to an Act Intitled an Act to prevent the unreasonable destruction of fish in the Rivers of Meherrin, Pee Dee and Catawba, On motion read the third time and passed. Ordered to be engrossed.

A Bill for the further amendment and continuing an Act, Intitled an Act to prevent the exportation of unmerchantable commodities, On motion read the third time amended and passed.

On motion the following Message was ordered to be sent to the Assembly,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for erecting the upper part of Tyrrell &c<sup>a</sup> We observe that you have *deled* the clause that was inserted by this House on the second reading relative to the number of Members to serve in future Assemblies for Tyrrell County, and unless you agree to *stet* the same we cannot pass the Bill—If you agree to *stet* the clause please send some of your members to see the same done.

By Mr Rutherford and Mr Smith

Received from the Assembly A Bill to amend an Act Intitled an Act, [to prescribe] what fences are sufficient, On motion read the second time and passed.

Received from the Assembly A Bill for the further amendment and continuing an Act Intituled an Act to prevent the exportation of unmerchantable Commodities, Read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Skinner and Mr Beasley the Report of the Committee of Claims which was read considered of and concurred with and returned to the Assembly.

Sent to the Assembly the estimates of this House and received the same back concurred with.

Received from the Assembly their Estimate, which was read approved of and concurred with and returned to the Assembly,

Then His Excellency the Governor came to this House and sent a Message to the Assembly by the Clerk of this House commanding the immediate attendance of the Speaker and Gentlemen of the Assembly in the Council Chamber.

The Speaker attended by the Gentlemen of the Assembly accordingly waited on the Governor and presented to His Excellency the following Acts for His Assent, Viz<sup>t</sup>.

An Act for appointing an Agent.

An Act to empower the Justices in the several Counties therein mentioned to establish free ferrys and bridges in their respective Counties and to lay a Tax for defraying charges thereof.

An Act for confirming the qualification of Henry Lockey Sheriff of Beaufort.

An Act to encourage the destroying of vermin.

An Act in addition to an Act to prevent the unreasonable destruction of Fish in the Rivers of Meherrin Pee Dee and Catawba.

To which Acts His Excellency was pleased to give his assent except to the last which he rejected—and then he dissolved the Assembly with the following Speech, Viz<sup>t</sup>

GENTLEMEN OF HIS MAJESTYS COUNCIL MR. SPEAKER AND GENTLEMEN ON THE ASSEMBLY,

I met this Assembly with a most sincere disposition to forward the Public business of the Country; and I make this public acknowledgement of my thanks, to the Gentlemen of His Majestys Council, for the cheerfulness they have shown to co-operate with me; and my gratitude to the House of Assembly for the honourable opinion they have declared in favour of my administration. You may be assured Gentlemen, that the interruption which has been given to the busi-

ness of this Session, has not occasioned more disappointment to you, than the cause of it has occasioned real affliction to me.

The plan I laid before you for the management of your public funds, if adopted by the Legislature, and invariably pursued, (otherwise it will be insufficient) will produce the happiest effects to this Country; and I will be bold to affirm, if ever carried, in any future Session, into an Act of the Legislature, it will be acknowledged the most beneficial Session this Colony ever experienced, though it should be the only Act passed in that Session. But this blessing is not to be obtained for the Country, while the Treasurers, late Sheriffs, and their sureties, can command a majority in the lower House, and while a Treasurer is suffered to absent himself, and withhold his public accounts from the General Assembly let the pretence of his absence be ever so urgent. This morning I saw some Public Accounts of the Treasurer for the Southern District. Those accounts are so very irregular, and negligently kept, that the Public must be abused if an amendment is not made to the mode there pursued; but as I am told it is a method his predecessors followed, no censure can lay upon that Gentleman.

As my duty precedes every other consideration, I do now dissolve this Assembly, and this Assembly is accordingly dissolved.

Mr President — 30<sup>th</sup> November

Mr Cornell — do

Mr M<sup>c</sup>Culloch — 2<sup>nd</sup> Dec to 14<sup>th</sup>

Mr Dry — 2<sup>nd</sup> do

Mr Rutherford — 2<sup>nd</sup> do

Mr Sampson — 4<sup>th</sup> do

Mr DeRosset — 6<sup>th</sup> do

John Burgwin Clk — 30<sup>th</sup> Nov.

Thos Hawkes Mace Bearer

Edw<sup>d</sup> Saul Door Keeper

Mr Palmer — 30<sup>th</sup> Nov.

Mr Howard — 7<sup>th</sup> Dec.

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#### NORTH CAROLINA—SS.

At an Assembly began and held at New Bern the fifth day of December in the eleventh year of the reign of our Sovereign Lord George the third, by the Grace of God of Great Britain, France and Ireland, King, Defender of the Faith &c<sup>a</sup> and in the year of our

Lord, One thousand seven hundred and seventy nine, being the first Session of this present Assembly.

In the House of Assembly.

The Clerk of the Crown having certified that the following persons were duly elected and returned Representatives for the respective Counties and Towns, Viz<sup>t</sup>,

Anson — James Picket, Charles Robinson.

Bladen — William M<sup>c</sup>Ree, John Gibbs.

Brunswick — Robert Howe, William Davis.

Beaufort — James Bonner, Moses Hare.

Bute — Benj<sup>n</sup> Person, Thomas Eaton.

Bertie — John Campbell, Lillington Lockhart, Jas. Lockhart.

Town of Bath — Wyriot Ormond.

Town of Brunswick — Mau. Moore.

Craven — Jacob Blount, Christopher Neale.

Carteret — William Thompson, Jacob Shepard.

Chowan — Samuel Johnston, Edw<sup>d</sup> Vail, Rich<sup>d</sup> Brownrigg, Sam<sup>l</sup> Dunscombe, James Blount.

Currituck — John Woodhouse, Keder Merchant, Tho<sup>s</sup> Macknight, Henry White, Sam<sup>l</sup> Jarvis.

Cumberland — Walter Gibson, Ferq<sup>d</sup> Campbell.

Dobbs — Fran<sup>s</sup> Makelivean, W<sup>m</sup> M<sup>c</sup>Kinnie.

Duplin — William Dickson, Thomas Gray.

Edgecombe — W<sup>m</sup> Haywood, Aquila Sugg.

Town of Edenton — Joseph Hewes.

Granville — Thomas Person, Howell Lewis.

Halifax — Abner Nash, W<sup>m</sup> Alston.

Hyde — Edw<sup>d</sup> M<sup>c</sup>Swain, Rotheas Latham.

Town of Halifax — Jos. Montford.

Town of Hillsborough — Edm<sup>d</sup> Fanning.

Johnston — John Smith, Joel Lane.

Mecklenburg — Ab<sup>n</sup> Alexander, Thomas Polk.

New Hanover — John Ashe, James Moore.

Northampton — Henry Dawson, Howell Edmunds.

Town of Bath — Richard Caswell.

Orange — Hermon Husband, John Pryor.

Onslow — William Cray, Richard Ward.

Perquimans — John Harvey, Benj<sup>a</sup> Harvey, Andrew Knox, John Skinner, Thomas Harvey.

Pasquotank — Thomas Relfe, Jos. Jones, Jonathan Herring, John Lowry, William Relfe.

Pitt — Richard Evans, Alex<sup>r</sup> Stewart.

Rowan — Griffith Rutherford, Matthew Lock.

Town of Salisbury — John Dunn.

Tryon — Thomas Neale, William Moore.

Town of Wilmington — Corn<sup>s</sup> Harnett.

Pursuant to which the following Members appeared, Viz<sup>t</sup>,

Messrs. Mau. Moore, Matthew Lock, Griffith Rutherford, William Haywood, Charles Robinson, James Picket, James Lockhart, Edmund Fanning, Cornelius Harnett, John Ashe, Jos. Hewes, Alexander Stewart, Abner Nash, William Alston, William Dickson, Thomas Gray, William Thomson, Jacob Shepard, John Smith, Joel Lane, James Bonner, Moses Hare, Joseph Montford, Wyrriot Ormond, Thomas Relfe, William Relfe, Samuel Johnston, Samuel Dunscombe, Hermon Husband, Joseph Jones, Jonathan Herring, Christopher Nation, Kenneth McKinnie, John Pryor, Thomas Person, Howell Lewis, Needham Bryan, John Smith, William McKinnie, Joseph Bell, John Lowry, Micajah Thomas, Henry Dawson, Howell Edmunds, William Thomson, Abraham Sheppard, John Dunn, Thomas Polk, Abraham Alexander, Matthew Raiford, William Marsh, William Moore, William Cray, Richard Ward, John Spier.

Mr Vail and Mr Dawson waited on His Excellency the Governor and acquainted him that a sufficient number of Members to constitute a House were met, and desire His Excellency to appoint some of the Members of the Council to see them qualified.

The Members being returned brought for answer that His Excellency would appoint two members accordingly.

The Honble William Dry and Robert Palmer, Esquires, two of the members of Council, came to the House, and the above forty two members qualified by taking the Oaths by Law appointed for the qualification of public officers, and repeating and subscribing the Test.

The members waited on His Excellency the Governor in the Council Chamber when he was pleased to direct that they return to the House and make choice of a Speaker.

The members being returned to the House Mr Caswell proposed and set up Colonel John Harvey for Speaker, who was unanimously chosen and placed in the chair accordingly.

On motion ordered. Col<sup>o</sup> Cray and Mr Tho<sup>s</sup> Relfe wait on His Excellency the Governor, and acquaint him that the House had made choice of a Speaker, and desire to know when they should wait on his Excellency to present him — who being returned brought for answer that His Excellency would receive the House immediately in the Council Chamber.

The House waited on His Excellency the Governor in the Council Chamber and presented the Speaker, whom His Excellency was pleased to approve of, and then made a Speech to His Majestys Council and this House.

Mr Speaker with the House being returned Mr Speaker reported that His Excellency the Governor had made a Speech to the Council and this House, a copy of which to prevent mistakes he had obtained and laid the same before the House.

Then on motion Resolved His Excellency the Governor's Speech be read tomorrow morning.

Then the House adjourned till tomorrow morning 10 o'Clock.

Tuesday 24<sup>th</sup> October 1769.

The House met according to adjournment,

Mr Aquila Sugg one of the Members of Edgecombe County, Mr Moses Hare one of the Members for Beaufort County, and Mr Edw<sup>d</sup> M<sup>c</sup>Swain and Mr Rotheas Latham the two members of Hyde County appeared.

Two Members of His Majesty's Council came to the House and saw the above four Members qualified.

On Motion ordered that the House proceed to the choice of a clerk to serve in this present Assembly, when Mr James Green Jun<sup>r</sup> was appointed for that purpose, who appeared and took his seat accordingly.

Mr Andrew Knox one of the Members of Perquimans County appeared,

On motion ordered that Mr Cray and Mr Sheppard wait on the Council and desire the attendance of two of their Members, to see the qualification of a Member, and of the Clerk of this House who being returned informed the House they would attend immediately.

The Honble Alexander M<sup>c</sup>Culloch and W<sup>m</sup> Dry Esqrs. two of the Members of His Majesty's Council came to the House and Mr Andrew Knox one of the Members for Perquimans County, and Mr James Green Jun<sup>r</sup> Clerk to this House were qualified by taking

the several Oaths by Law appointed for qualification of public officers and repeating and subscribing the Test

On motion Benjamin Fordham is appointed Mace Bearer and Francis Liner door keeper to this House.

The order of the day being read, Then on motion Resolved His Excellency the Governors Speech be read, Read the same, and is as follows, Viz<sup>t</sup>

[For Governor's Speech see Journals of Upper House.—EDITOR.]

Then on motion Resolved the consideration of His Excellency the Governors Speech be deferred till Thursday next.

Then the House adjourned till tomorrow morning 10 °Clock,

Wednesday October 25<sup>th</sup> 1769.

The House met according to adjournment.

The House being informed that Mr Blake Baker who was elected a Member for Halifax County is dead, On motion Ordered His Excellency the Governor be addressed to direct the Clerk of the Crown to issue a writ for electing a member for the said County to sit and vote in this present Assembly in the room and stead of the said Mr Blake Baker.

Ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR, &c<sup>a</sup>

SIR,

This House having been informed that Mr Blake Baker who was elected one of the members for Halifax County is dead, Therefore desire your Excellency will be pleased to direct the Clerk of the Crown to issue a Writ for Electing a Member for the said County of Halifax to sit and vote in this present Assembly,

JOHN HARVEY, Sp.

Sent by Colonel Dawson and Mr Alston.

Mr McSwain presented a certificate from the Inferior Court of Hyde County therein recommending Benjamin Mordick and Michael his wife (both Mulattos) to be exempt from payment of public taxes and doing public duties.

Mr McSwain presented a Certificate from the Inferior Court of



Hyde County therein recommending Jacob Gray to be exempt from the payment of public taxes, and doing public duties.

Mr Needham Bryan presented two certificates from the Inferior Court of Johnston County therein recommending David Venson and William Ammon to be exempt from paying public taxes,

Ordered they be exempt during the continuance of their infirmities.

Then the House adjourned till tomorrow morning 10 o'clock.

Thursday the 26<sup>th</sup> October 1769.

The House met according to Adjournment.

Mr John Woodhouse and Henry White two of the members for Currituck County appeared

On motion ordered Mr Bonner and Mr Skinner wait on the Council, and desire the attendance of two of their members to see the qualification of several members, to wit, Mr Woodhouse, Mr White, Mr Jacob Blount, Mr Simpson, Mr Kenan, Mr Dickson, Mr Ebenezer Slade, Mr William Slade, Mr Peter Wynn, Mr Hasell and Mr Eaton, who being returned informed the House they would attend immediately.

The Honble W<sup>m</sup> Dry and Alex<sup>r</sup> M<sup>c</sup>Culloch Esquires two of the Members of Council came to the House and the above eleven members qualified by taking the Oaths by Law appointed for the qualification of Public officers repeating and subscribing the Test.

The order of the day being read to take under consideration His Excellency's Speech, Then on motion ordered the consideration thereof be deferred till tomorrow morning.

On motion ordered that Messrs Richard Caswell, Henry Dawson, Edward Vail, Howell Lewis, John Beasley, Andrew Knox, William Cray, John Lowry and John Simpson be a Committee of Privileges and Elections: and that they have power to send for persons, papers and records as occasion may require.

On motion ordered that Messrs Henry Dawson, John Simpson, Andrew Knox, William Cray, Aquila Sugg, Hermon Husband, William Thomson, Thomas Person and William M<sup>c</sup>Kinnie be appointed a Committee of Public Accounts, And that Messrs Richard Caswell, Andrew Knox, Jacob Blount, Edward Vail, John Skinner, Jno. Beasley, Abraham Sheppard, Joseph Jones and John Dunn be appointed a Committee of Public Claims in conjunction with such of the members of His Majesty's Honble Council as they shall think fit to appoint, and that the following message be sent to the Council,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House have appointed Messrs Henry Dawson, John Simpson, Andrew Knox, William Cray, Aquila Sugg, Hermon Husband, William Thomson, Tho<sup>s</sup> Person and William M<sup>c</sup>Kinnie a Committee of the House to settle and state the Public Accounts of this Province, And Messrs Richard Caswell, Felix Kenan, Jacob Blount, Edward Vail, John Skinner, John Beasley, Abraham Sheppard, Joseph Jones and John Dunn a Committee to settle and allow the Public Claims in conjunction with such of your House as you shall think proper to appoint.

JOHN HARVEY, Speaker.

Sent by Mr Dawson and Mr Vail.

On motion ordered that Messrs John Woodhouse, Joseph Jones, Thomas Harvey, Hoskins, M<sup>c</sup>Kinzie, Edward Hare, Edmunds, Alston, Thomas, Eaton, Tho<sup>s</sup> Person, Smith, Pryor, M<sup>c</sup>Kinnie, Rutherford, Alexander, Moore, Mask, Tho<sup>s</sup> Bonner, Spier, Jacob Blount, Thompson, Ward, Caswell, M<sup>c</sup>Swain, Dunn and Dickson be appointed a Committee of Propositions and Grievances.

Mr Caswell presented a petition from the free holders of Orange County complaining of an undue Election (with an affidavit of the Sheriff thereto annexed) in the said County praying relief &c<sup>a</sup> which was read, and ordered to be referred to the Committee of Priviledges and Elections.

Then the House adjourned till 10 °Clock tomorrow morning.

Friday the 27<sup>th</sup> October 1769.

The House met according to adjournment.

Mr Dawson moved for leave to prepare and bring in a Bill for the more easy and speedy recovery of small debts and other purposes.

Ordered he have leave accordingly.

The order of the day being read Then on motion Resolved that the House Resolve itself into a Committee of the whole House tomorrow Morning to take under consideration the several matters recommended in the said Speech.

Mr Husband moved for leave to read sundry petitions from the Inhabitants of Orange County, and an affidavit taken before Jacob Blount Esquire respecting the Election in the said County.

Ordered he have leave accordingly.

Mr Husband read the same and on motion ordered the said affidavit be referred to the Committee of Priviledges and Elections, and

that the Petitions and other papers lie on the table for the consideration of the Members.

Mr Edmunds moved for leave to bring in a Bill in addition to an Act Intituled an Act to prevent the unreasonable destruction of fish &c<sup>a</sup>.

Ordered he have leave accordingly.

On motion ordered that Mr Thomas Polk and Mr Griffith Rutherford be added to the Committee of Claims, and that Mr Thomas Eaton be added to the Committee of Public Accounts.

Mr Eaton presented sundry Certificates from the Inferior Court of Bute County therein recommending Stephen Gupton, Gilbert Prince and Thomas Jones (son of Willis Jones) to be exempt from payment of public taxes.

Ordered they be exempt accordingly.

Then the House adjourned till tomorrow morning 10 °Clock.

Saturday 28<sup>th</sup> October 1769.

The House met according to adjournment,

The order of the day being read. Then on motion Resolved, that the House resolve itself into a Committee of the whole House to take into consideration His Excellency the Governors Speech, and unanimously chose Mr W<sup>m</sup> Cray, Chairman after the same was read and some time spent the committee come to several Resolutions which Mr Chairman was directed to report to the House, Then on motion Mr Speaker resumed the Chair

Mr Chairman reported that the Committee had taken into consideration His Excellency's Speech, and came to several resolutions thereon which Mr Chairman reported to the House, The same were approved of, and that they be instructions to the Committee to be appointed to prepare an Address in answer to His Excellency's Speech,

On motion ordered that Mr Richard Caswell, Mr Andrew Knox, Mr Henry Dawson, Mr William Cray, Mr John Dunn, Mr Edward Vail and Mr Jacob Blount, be a committee to prepare an address in answer to His Excellency the Governors Speech, and report the same to the House for approbation.

Mr Caswell presented the petition of Wyriot Ormond of Bath Town complaining of the undue Election of John Maule Esq<sup>r</sup> Representative for the Town praying the same may be enquired into by

the House which was read, and on motion ordered the said petition be referred to the Committee of Priviledges and Elections

Mr Person moved for leave to bring in a Bill to prevent deceitful and excessive gaming.

Ordered he have leave, and that he prepare and bring in the same

Then the House adjourned till tomorrow morning 10 o'clock.

Monday the 30<sup>th</sup> October 1769

The House met according to adjournment.

Mr William M<sup>r</sup>Ree and Mr John Grange members for Bladen County, Mr Cornelius Harnett Member for the Town of Wilmington, and Mr James Moore one of the Members for New Hanover County, and Mr Lillington Lockhart one of the members for Bertie County appeared, The Clerk of the Crown having certified and returned certificates to this House of the due Election of the above Members,

On motion ordered that Mr Vail and Mr Dunn wait on the Council and desire the attendance of two of their Members to see the above five Members qualified who being returned informed the House, two of His Majestys Council would attend immediately.

The Honble William Dry and Robert Palmer Esquires two of the Members of Council came to the House, and the above five Members qualified by taking the Oaths by Law appointed for the qualification of public officers, and repeating and subscribing the Test.

Mr Richard Caswell from the Committee appointed to prepare an address in Answer to His Excellency the Governors Speech, informed the House that the said Committee had prepared the same, which he read in his place, and delivered in at the Table when the same was again read

Ordered the same stand the address of this House and be entered on the Journals thereof, to wit,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL GOVERNOR, COMMANDER IN CHIEF IN AND OVER HIS MAJESTYS PROVINCE OF NORTH CAROLINA,

SIR,

We his Majestys most dutiful and loyal Subjects the Members of the Assembly of the Province of North Carolina return your Excel-

lency our sincere thanks for your Speech at the opening of this Session; and beg leave to congratulate your Excellency on your happy return from Virginia to your Government.

The Information your Excellency has given us that no petition to His Majesty from the Colonies, praying an emission of paper currency as a legal tender can meet with success, gives us the utmost concern, as we flattered ourselves that on the humble representation of the late Assembly with your Excellencys Interest at home, which you were pleased so kindly to offer, and which we doubt not has been most strenuously exerted in favour of the Province, we should have obtained the redress so necessary to the distressed situation and circumstances of this Country.

We are truly sensible of the necessity of having an Agent in England duly authorized to Act in every case in which the interest of this Colony may be concerned, This House therefore will proceed to the appointment of an Agent, in which we hope to have the concurrence of the other branches of the Legislature and will make the necessary provision for supporting such an establishment,

The encouragement given by Act of Parliament to the culture of raw silk in America is pleasing and agreeable to us, and we assure your Excellency that it shall meet with such encouragement (consistent with the true interest of this Colony) as so Interesting an object may require.

The making provision of powder and lead for his Majesty's Service and the defence of this Government at this time when we are enjoying the blessings of peace, permit us Sir to say we humbly apprehend is by no means necessary, as every clog or tax whatsoever upon our Trade must of necessity be a discouragement to the same, and of Course have such a tendency as may be prejudicial rather than advantageous to the Country.

The State of our public funds at no time since the Settlement of the Colony has required a more strict examination than at present; and we agree with your Excellency that a settlement of the public accounts should be forthwith obtained, so as a general state of them may be made known to the Country, and shall be extremely obliged to your Excellency for any observations or regulations in the manner of keeping the Public Accounts, that you shall be pleased to lay before us, which may tend to render the same free from that obscurity they have hitherto been in.

We shall ever esteem it our indispensable duty to enquire into and see how far the Laws for the emission of paper currency have had their effect, and in whose hands the sums raised to sink those emissions remain.

The Intelligence your Excellency has received from Home, and which you are pleased to communicate to us regarding the intention of His Majesty's present Ministers having no design to propose to Parliament to lay any further taxes on America for the purpose of raising a revenue, and their proposing to take off the duties upon glass paper and colours is very grateful to us, and will be much more so, when we find their designs are carried into execution, even upon the consideration of such duties having been laid contrary to the true principles of Commerce and we rejoice that we are so happy as to have the sentiments of the Ministry in that particular coincide with our own,

We sympathize with the unfortunate sufferers in the late storm in general, and with the inhabitants of New Bern in Particular, But the calamities, losses and misfortunes occasioned thereby being general, we cannot consistent with the duty we owe our Constituents, think of granting them assistance in preference to any other part of the Province, least by so doing, we should shew a partiality we would ever endeavour to avoid

JOHN HARVEY, Sp.

On motion ordered Mr Harnett be added to the Committee of Accounts,

On motion ordered Mr Harnett and Mr Ja<sup>s</sup> Moore be added to the Committee of Priviledges and Elections.

Rec<sup>d</sup> from the Council the following Message Viz<sup>t</sup>

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

In answer to your Message relative to the Committees, this House have appointed the Honble Alexander McCulloch, William Dry, and Robert Palmer Esquires, a Committee of this House to examine state and settle the Public accounts, and the Honble Lewis Henry DeRosset and John Sampson Esquires a Committee of this House to settle and allow Public Claims.

In the upper House 30<sup>th</sup> October 1769.

Mr Caswell moved for leave to present a Bill for appointing an

agent to solicit the affairs of this Province at the several Boards in England,

Ordered he have leave accordingly.

Mr Caswell presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council,

Sent by Mr Knox and Mr William Slade

Mr William Slade presented the petition of Sundry inhabitants of Tyrrel County, praying the upper part of Tyrrel and lower end of Halifax Counties may be erected into one distinct County and Parish which was read,

Mr Slade moved for leave to prepare and bring in a Bill pursuant to the prayer of the said Petition.

Ordered he have leave accordingly.

Mr Wm. Slade pursuant to order brought in a Bill for erecting the upper part of Tyrrell and lower part of Halifax Counties into one separate and distinct County and Parish by the name of ----- County and ----- Parish, and other purposes, which he read in his place and delivered in at the Table where the same was again read, passed and ordered to be sent to the Council.

Sent to the Council by Mr Slade and Mr Knox.

Mr Caswell presented the petition of sundry inhabitants of Hertford County praying an Act may pass for establishing free ferries and bridges in the said County &c<sup>a</sup> which was read.

Mr Caswell moved for leave to present a Bill pursuant to the prayer of the said Petition.

Ordered he have leave accordingly.

Mr Caswell presented the said Bill which he read in his place, and delivered in at the table where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Cray and Mr Edward Hare.

Then the House adjourned till 4 o'clock.

The House met according to adjournment.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday the 31<sup>st</sup> October 1769.

The House met according to adjournment.

On motion ordered that Mr Moore and Mr Beasley wait on His Excellency, and acquaint him the House have prepared an Address

in answer to His speech at the opening of this Session, and desire to know when they shall wait on him to present the same, who being returned brought for answer that His Excellency would receive the House when his health would permit, of which he would give the House notice.

Mr Dunn moved for leave to bring in a Bill for the regulation of Salisbury securing the Inhabitants in their possessions and to encourage the Inhabitants of the said Town and other purposes.

Ordered he have leave accordingly.

Mr Dunn presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Kenan.

Mr M<sup>c</sup>Kinnie moved for leave to present a Bill to prevent burning the woods at unseasonable times of the year.

Ordered he have leave accordingly.

Mr M<sup>c</sup>Kinnie presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Kenan.

Mr Polk moved for leave to present a Bill to encourage the destroying of vermin in the several Counties therein mentioned.

Ordered he have leave accordingly.

Mr Polk presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Kenan.

Mr Caswell moved for leave to present a Bill for appointing a ballast master for the navigation for the Swatch and Beacon Island Road and Ocacock Inlet.

Ordered he have leave accordingly.

Mr Caswell presented the said Bill which he read in his place and delivered in at the Table, where the same was again read and passed ordered to be sent to the Council.

Sent by Mr Dunn and Mr Kenan.

Rec<sup>d</sup> from the Council the Bill for appointing an Agent to solicit the affairs of this Province at the several Boards in England.

31<sup>st</sup> October 1769. In the upper House, read the first time and passed.



Mr Mask moved for leave to present a petition from sundry of the Inhabitants of Anson County which was read, and ordered to be referred to the Committee of Propositions and Grievances.

Rec<sup>d</sup> from His Excellency the Governor the following Message, to wit,

I herewith send you the observations and regulations on the method of keeping the public Accounts of this Province which in my Speech at the opening of the Session I promised to lay before you for your deliberation.

W<sup>m</sup>. TRYON.

New Bern 31<sup>st</sup> October 1769.

Rec<sup>d</sup> at the same time the observations and regulations on the method of keeping the Public Accounts of this Province, which was read and ordered to lie for consideration.

Mr John Ashe one of the members for New Hanover County and Mr John Campbell one of the members for Bertie County appeared.

On motion ordered that Mr Dunn and Mr Kenan wait on the Council to desire the attendance of two of their Members to see the qualification of the above two members.

The Honble William Dry and Robert Palmer Esq<sup>rs</sup> two of the members of His Majestys Council came to the House, and Mr John Ashe one of the members for New Hanover County, and Mr John Campbell one of the members for Bertie County, were qualified by taking the Oaths by Law appointed for qualification of Public officers and repeating and subscribing the test.

Mr Ashe informed the House that Mr Person one of the Members of this House hath been frequently charged with perjury and if guilty thereof is unworthy of a seat in this House.

On motion ordered that Messrs. William Mask, John Grange, Thomas Bonner, Benjamin Ward, John Campbell, Jacob Blount, Jos. Bell, Edward Vail, John Woodhouse, Abraham Shepard, Felix Kenan, Aquila Sugg, W<sup>m</sup>. Alston, Edward Hare, Edward M<sup>rs</sup>Swain, John Smith, Thomas Polk, James Moore, Henry Dawson, John Pryor, William Cray, Andrew Knox, Jo<sup>s</sup> Jones, Howell Lewis, John Simpson, Griffith Rutherford, William Slade, William Moore, Cornelius Harnett, and Richard Caswell be a Committee to enquire into the said Facts, that they have power to send for persons and papers and report their opinion to the House.

Rec<sup>d</sup> from the Council the following Bills, to wit,

A Bill to prevent burning the woods at unseasonable times of the year,

A Bill to empower the Justices of Hertford County to establish free ferries and bridges in the said County, and lay a Tax for defraying the charges thereof,

A Bill to encourage the destroying of vermin in the several Counties therein mentioned, and,

A Bill for appointing a ballast master of navigation of the Swatch and Beacon Island Road and Ocrakock Inlet,

31<sup>st</sup> October 1769, In the upper House read the first time and passed.

Mr Dawson according to order prepared and brought in a Bill for the more easy and speedy recovery of small debts and other purposes, which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Blount and Mr Moses Hare.

Then the House adjourned till 4 °Clock in the afternoon.

The House met according to adjournment.

Mr Blount presented several certificates from the Inferior Court of Craven County therein recommending Vincent Amiet, James Whiting and Andrew Morgan to be exempt from payment of Public Taxes and doing public duties.

Ordered they be exempt accordingly.

Then the House adjourned till tomorrow morning 10 °Clock.

Wednesday the 1<sup>st</sup> November 1769.

The House met according to adjournment.

On motion Resolved that the Clerks of the Respective Inferior Courts in this Province be directed to transmit to the Clerks of the Assembly on or before the first meeting of the General Assembly in each year after the first day of February a true and exact list of taxables in their respective Counties containing the names of each Taxable given in and that the said Clerks be paid by the public Treasurers the sum of thirteen shillings and four pence for each list

Mr Edmunds according to order presented a Bill in addition to an Act Intituled an Act to prevent the unreasonable destruction of fish in the rivers of Meherin, Pee Dee and Catawba which he read

in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council

Sent by Mr Edmunds and Mr Edmund Hare

On motion ordered the Bill appointing an agent be read a second time, Read the same the second time amended passed and ordered to be sent to the Council

Sent by Mr Kenan and Mr Thomas

Rec<sup>d</sup> from the Council the following Bills, Viz<sup>t</sup>

A Bill for the more easy and speedy recovery of small debts and other purposes, and,

A Bill in addition to a Bill Intituled an Act to prevent the unreasonable destruction of fish in the Rivers of Meherrin, Pee Dee and Catawba,

November 1<sup>st</sup> 1769, In the upper House read the first time and passed

Mr Ashe presented a petition from sundry Inhabitants in the County of Halifax complaining of an undue election of Members for the said County praying relief &c<sup>a</sup>, ordered the said Petition be referred to the Committee of Priviledges and Elections,

Mr Harnett presented the petition of James Kennedy praying relief &c<sup>a</sup>

On motion Resolved that James Kennedy be paid by the Treasurers or one of them the sum of thirty pounds proc money out of the contingent fund and that the same be allowed them in their accounts with the public.

On motion Resolved the said petition and the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

This House herewith send you the petition of James Kennedy to whom we have Resolved the sum of thirty pounds be paid out of the contingent fund and that the Treasurers be allowed the same in their accounts with the public, to which we desire your Honors Concurrence

JOHN HARVEY Sp.

Sent by Mr Woodhouse and Mr Moore

On motion ordered the Bill to prevent burning the woods at unseasonable times of the year be read a second time, Read the same the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr M<sup>c</sup>Kinnie and Mr Thomas.

On motion ordered the Bill to encourage the destroying of vermin in the several Counties therein mentioned be read a second time, Read the same a second time amended passed and ordered to be sent to the Council,

Sent by Mr M<sup>c</sup>Kinnie and Mr Thomson.

Then the House adjourned till 4 °Clock in the afternoon.

The House met according to adjournment.

Mr Bonner moved for leave to present a Bill to confirm the qualification of Henry Lockey Sheriff of Beaufort County.

Ordered he have leave accordingly.

Mr Bonner presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr M<sup>c</sup>Kinnie and Mr Thomson.

Then the House adjourned till tomorrow morning 10 °Clock.

Thursday the 2<sup>nd</sup> November 1769.

The House met according to adjournment.

Mr M<sup>c</sup>Ree presented the petition of sundry Inhabitants of Bladen County praying relief of such persons as have suffered by a late fire which consumed the books of the Clerks and Registers of the said County.

Mr M<sup>c</sup>Ree moved for leave to present a Bill agreeable to the prayer of the said Petition.

Ordered he have leave Accordingly.

On motion ordered the Bill to Impower the Justices of Hertford County to establish free ferries, and bridges in the said County, and lay a tax for defraying the charges thereof be read a second time, Read the same a second time, amended, passed and ordered to be sent to the Council.

Mr Speaker laid before the House a letter which he received from the Speaker of the House of Burgesses in Virginia inclosing sundry resolutions of that House.

On motion ordered the said letter and Resolutions be read — read the same — Then on motion Resolved the House Resolve into a Committee of the whole House to consider the present state of the Colony.

The House Resolved into a Committee of the whole House and unanimously chose Mr John Campbell Chairman who was placed in the Chair accordingly, and after some time spent the Committee came to the following Resolutions, to wit,

Resolved, *Nem Con*, That the sole right of imposing taxes on the Inhabitants of this His Majesty's Colony in North Carolina is now and ever hath been legally and constitutionally vested in the House of Assembly lawfully convened according to the antient and established practice with the consent of the Council and his Majesty the King of Great Britain or his Governor for the time being.

Resolved, *Nem Con*, That it is the undoubted privilege of the Inhabitants of this Country to petition their Sovereign for redress of Grievances; and that it is lawful and expedient to procure the concurrence of his Majesty's other Colonies in dutiful addresses praying the royal interposition in favour of the violated rights of America.

Resolved, *Nem Con*, That all trials for treason misprision of treason or for any felony or crime whatsoever committed and done in this His Majesty's said Colony by any person or persons residing therein, ought of right to be had and conducted in and before His Majesty's Courts held within the said Colony, according to the fixed and known course of proceeding; and that the seizing any person or persons in this Colony suspected of any crime whatsoever committed therein and sending such person or persons to places beyond the sea to be tried, is highly derogatory to the rights of British Subjects, as thereby the inestimable privilege of being tried by a jury from the Vicinage, as well as the liberty of summoning and producing witnesses on such Tryal will be taken away from the party accused,

Resolved, *Nem Con*, That an humble, dutiful and loyal address be presented to His Majesty to assure him of our inviolable attachment to his sacred person and Government, and to beseech his royal interposition, as the Father of all his people however remote from the seat of His Empire to quiet the minds of his royal subjects of this Colony and to avert from them those dangers and miseries which will ensue from the seizing and carrying beyond the sea any person residing in America suspected of any crime whatsoever to be tryed in any other manner than by the antient and long established course of proceeding.

Resolved That it is the opinion of this Committee the following address be presented to His Majesty, to wit,

TO THE KINGS MOST EXCELLENT MAJESTY,

The Humble address of his dutiful and loyal Subjects the House of Assembly of his Majestys Colony of North Carolina met in General Assembly.

MAY IT PLEASE YOUR MAJESTY,

We your Majesty's most loyal dutiful and affectionate Subjects the House of Assembly of this your Majestys Colony of North Carolina now met in General Assembly, Beg leave in the most humble manner to assure your Majesty, that your faithful subjects of this Colony, ever distinguished by their loyalty and firm attachment to your Majesty and your Royal Ancestors, far from countenancing traitors, treason or misprision of treason, and ready at any time to sacrifice our lives and fortunes in defence of your Majestys sacred person and Government,

It is with the deepest concern, and most heartfelt grief that your Majesty's dutiful subjects of this Colony find that that loyalty has been traduced, and that those measures which a just regard for the British Constitution (dearer to them than life) made necessary duties have been misrepresented as rebellious attacks upon your Majestys Government.

When we consider that by the established Laws and Constitution of this Colony the most ample provision is made for apprehending and punishing all those who shall dare to engage in any treasonable practices against your Majesty or disturb the tranquility of Government, we cannot without horror think of the new, unusual, and permit us withall humbly to add unconstitutional and illegal mode recommended to your Majesty of seizing and carrying beyond sea the Inhabitants of America suspected of any crime, of trying such person in any other manner than by the Ancient and long established course of proceeding for, how truly deplorable must be the case of a wretched American, who, having incurred the displeasure of any one in power, is dragged from his native home, and his dearest domestick connections, thrown into a prison, not to await his tryal before a Court, Jury or Judges, from a knowledge of whom he is encouraged to hope for speedy Justice, but to exchange his imprisonment in his own country, for fetters among strangers, conveyed to a distant land where no friend, no relation will alleviate his distress or minister to his necessities, and where no witnesses can be found to testify his innocence, shunned by the respectable and

honest and conveyed to the society and converse of the wretched and the abandoned, he can only pray that he may soon end his misery with his Life.

Truly alarmed at the fatal tendency of these pernicious Councils, and with hearts filled with anguish by such dangerous invasions of our dearest priviledges we presume to prostrate ourselves at the foot of your Royal throne, Beseeching your Majesty as our King and Father, to avert from your faithful and loyal Subjects in America, those miseries which must necessarily be the consequence of such Measures.

After expressing our firm confidence in your Royal wisdom and goodness, permit us to assure your Majesty that the most frequent prayers of your people of this Colony our daily addresses to the Almighty that your Majestys reign may be long and prosperous over Great Britain, and all your Dominions, and that after death your Majesty may taste the fullest Fruition of Eternal Bliss, and that a descendant of your illustrious House may reign over the extended British Empire, until time shall be no more.

JOHN HARVEY,

Speaker of the House of Assembly.

November 2<sup>d</sup> 1769.

Then on motion Mr Speaker resumed the Chair and Mr Chairman Reported the said Resolutions, which being severally read a second time,

Resolved, *Nem Con*, That the House do agree with the Committee in the said Resolutions.

On motion ordered that the Committee of Correspondence transmit the address of this House to the Agent for this Colony with directions to cause the same to be presented to His Majesty, and afterwards to be printed and published in the English papers.

Rec<sup>d</sup> from the Council the Resolve of this House regarding an allowance to James Kennedy, Endorsed 2<sup>d</sup> November 1769, In the upper House Concurred with,

JAMES HASELL, P.

On motion ordered the following Message be sent to His Excellency the Governor, Viz<sup>t</sup>.

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR &C<sup>a</sup>.

SIR,

This House herewith send your Excellency a Resolve thereof allowing the sum of thirty pounds out of the contingent fund to James Kennedy, to which His Majesty's Council have concurred, and desire your Excellency's Assent thereto, as your Excellency was pleased to recommend said James Kennedy as a proper object to the last session of Assembly,

JOHN HARVEY, Sp.

Sent by Mr Harnett and Mr Vail.

On motion Resolved that Messrs. Caswell, Jacob Blount and Shepard be appointed a Committee of this House to receive from the executors of William Herritage deceased late Clerk of this House, all books, Journals and papers, belonging to the Assembly and lodge the same in the hands of the present Clerk after taking an inventory or schedule thereof, to be laid before this House.

Rec<sup>d</sup> from the Council the following Bills, Viz<sup>t</sup>

The Bill for appointing an Agent to solicit the affairs of this Province at the several Boards in England, Endorsed, 2<sup>d</sup> November 1769. In the upper House read the second time amended and passed

The Bill for erecting the upper part of Tyrrel and lower part of Halifax Counties into one separate and distinct County and Parish by the name of ----- County and ----- Parish and other purposes, Endorsed 2<sup>nd</sup> November 1769, In the upper House read the first time and passed

On motion ordered the Bill for appointing a Ballast Master of the navigation for the Swatch and Beacon Island road, near Ocacock Inlet be read a second time, Read the same the second time and rejected,

Rec<sup>d</sup> from his Excellency the Governor the Resolve of this House regarding the allowance of James Kennedy, Endorsed,

Concurred with

W<sup>m</sup>. TRYON.

Also the following Message, to wit,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY

I return you the Resolve for allowing James Kennedy thirty pounds out of the contingent fund, to which I have given my Assent,

W<sup>m</sup> TYRON.

2<sup>nd</sup> November 1769,



Rec<sup>d</sup> from the Council the following Bills, to wit,

The Bill for confirming the qualification of Henry Locky Sheriff of Beaufort County, Endorsed 2<sup>nd</sup> November 1769, In the upper House, Read the first time amended and passed.

The Bill to prevent burning the woods at unseasonable times of the year, and,

The Bill to encourage the destroying of vermin in the Counties therein mentioned, Endorsed 2<sup>nd</sup> November 1769, In the upper House read the second time amended and passed,

On motion ordered the Bill for the more easy and speedy recovery of small debts and other purposes be read a second time, Read the same a second time, and on motion ordered the said Bill be committed to a Committee of the whole House.

The House resolved into a Committee of the whole House to consider said Bill and chose Mr Joseph Bell chairman who was placed in the chair accordingly, and after some time spent the Committee came to several Resolutions which Mr Chairman was directed to report to the House, and then on motion Mr Speaker resumed the chair, and Mr Chairman reported the Resolutions of the Committee which were received by the House, and ordered the amendments proposed be inserted in the Bill. Then on motion ordered the said Bill be read with the amendments, Read the said Bill, amended, passed and ordered to be sent to the Council.

Sent by Mr Lewis and Mr Edmunds.

Then the House adjourned till tomorrow morning 10 °Clock.

Friday the 3<sup>rd</sup> November 1769.

The House met according to adjournment.

Rec<sup>d</sup> from His Excellency the Governor the following Message Viz<sup>t</sup>,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send for your allowance an Account of some disbursements made by me for the public amounting to eighty two pounds two shillings and two pence.

W<sup>m</sup>. TRYON.

Rec<sup>d</sup> at the same time an Account of the said disbursements.

On motion Resolved the same be paid out of the Contingent fund, and that the Treasurers be allowed in their accounts with the public for the same.

Ordered the following Message be sent to the Council to wit,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We send you herewith an account of disbursements by His Excellency William Tryon Esquire, Governor &c<sup>a</sup>, for the public, amounting to eighty two pounds two shillings and two pence, which this House have allowed to be paid out of the Contingent fund and desire your Honors Concurrence thereto.

JOHN HARVEY, Speaker.

Sent by Mr Blount and Mr Dunn.

Mr Caswell moved for leave to present a Bill for further continuing an Act Intituled an Act for appointing a printer to this Province.

Ordered he have leave accordingly.

Mr Caswell presented the said Bill which he read in his place and delivered in at the Table where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Blount and Mr Dunn.

Mr Rutherford moved for leave to present a Bill to amend an Act Intituled an Act [prescribing] what Fences are sufficient.

Ordered he have leave accordingly.

Mr Rutherford presented the said Bill which he read in his place and delivered in at the Table where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr W<sup>m</sup> Slade.

Mr Caswell presented the petition (with sundry affidavits annexed) of John Smith of this Town setting forth that in the late storm he was possessed of four hundred and seventy three pounds in proclamation money and Bills of Credit which was totally lost and destroyed, praying relief, &c<sup>a</sup>.

On motion Resolved the said John Smith be allowed and paid the sum of four hundred and seventy three pounds out of the sinking fund as it is made fully to appear to this House that the said John Smith lost proclamation money and Bills of Credit to that amount in the late storm which was entirely destroyed thereby, and that the Treasurers pay him the same and be allowed them in their accounts with the public.

On motion ordered the following message be sent to the Council, Viz<sup>t</sup>,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House send you the petition of John Smith of New Bern, Merchant, with the affidavits thereto annexed, to whom we have Resolved, that the sum of four hundred and seventy three pounds be paid by the Treasurers out of the sinking fund and allowed them in their accounts with the public, to which we desire your Honors concurrence.

JOHN HARVEY, Sp.

3<sup>d</sup> November 1769.

Sent by Mr Blount and Mr Shepard.

Mr Harnett presented the petition of John Turner complaining of an undue Election of Representatives for Bladen County praying the same may be enquired into &c<sup>a</sup>

Ordered the said petition be referred to the Committee of Privileges and Elections.

On motion ordered the Bill for appointing an Agent to solicit the affairs of this Province at the several Boards in England be read a third time, Read the same a third time amended passed and ordered to be sent to the Council.

Sent by Mr Blount and Mr Sheppard.

Rec<sup>d</sup> from the Council the message of the House regarding the allowance of His Excellency the Governors disbursements; Endorsed 3<sup>rd</sup> November, In the upper House, Concurred with

JAMES HASELL, P. C.

On motion ordered the following message be sent to His Excellency the Governor, Viz<sup>t</sup>,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR &c<sup>a</sup>.

SIR,

We herewith return your Excellency's account of disbursements for the public allowed by this House and concurred with by the Council,

JOHN HARVEY, Sp.

3<sup>rd</sup> November 1769.

Sent by Mr Campbell and Mr Harnett.

Rec<sup>d</sup> from the Council the resolve of this House regarding an allowance to John Smith, Endorsed, 3<sup>rd</sup> November 1769, In the upper House concurred with

JAMES HASELL, P. C.

On motion ordered the following Message be sent to His Excellency the Governor Viz<sup>t</sup>

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN GENERAL GOVERNOR &c<sup>a</sup>

SIR—This House herewith send the petition of John Smith together with the Resolve of this House for allowing the said John Smith the sum of four hundred and seventy three pounds concurred with by the Council; to which we desire your Honors Concurrence.

JOHN HARVEY, Sp.

Sent by Mr Thomson and Mr Eaton 3<sup>rd</sup> November 1769.

Rec<sup>d</sup> from the Council the following Bills, Viz<sup>t</sup>.

The Bill to amend an Act Intitled an Act [to prescribe] what Fences are sufficient, Endorsed 3<sup>rd</sup> November 1769, In the upper House read the first time and passed.

The Bill for further continuing an Act Intitled an Act for appointing a printer to this Province, Endorsed 3<sup>rd</sup> November 1769, In the upper House read the first time and passed.

Rec<sup>d</sup> from the Council the following Message Viz<sup>t</sup>

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for appointing an Agent to solicit the affairs of this Province at the several Boards in England, We observe an impropriety in the words *during the term aforesaid* in the fifteenth and sixteenth lines from the top of the said Bill which we propose to *dele*, and also the words *the said term* in the twenty fourth line from the top, and insert instead thereof the words *this Act*, to which if you agree please to send some of your members to see those alterations made, In the upper House 3<sup>rd</sup> November 1769.

On motion ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this day relative to the "Bill for appointing an agent to solicit the affairs of this province at the several Boards in England" We agree to the alterations you propose in the said Bill and send Mr Vail and Mr Bell two of the Members of this House to see the alterations made

3<sup>rd</sup> November 1769.

JOHN HARVEY, Sp.

Mr Vail and Mr Bell being returned from the Council reported that they had agreeable to the order of the House seen the alterations made in the Bill for appointing an agent to solicit the affairs of this Province at the several Boards in England.

Rec<sup>d</sup> from His Excellency the Governor the Resolve of this House of this day regarding the allowance of His Excellency's disbursements, Endorsed, Concurred with. W<sup>m</sup>. TRYON.

Also the following Message, Viz<sup>t</sup>.

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return you your resolve for an allowance of my disbursements for the public. W<sup>m</sup>. TRYON.

On motion ordered the Bill for erecting the upper part of Tyrrel and lower part of Halifax Counties into one separate and distinct County and Parish by the name of ----- County and ----- Parish and other purposes be read a second time, read the same a second time amended passed and ordered to be sent to the Council.

Sent by Mr Bonner and Mr Wynn.

On motion ordered the Bill for confirming the qualification of Henry Lockey Sheriff of Beaufort County be read the second time, read the same a second time, amended passed and ordered to be sent to the Council.

Sent by Mr Bonner and Mr Wynn.

Rec<sup>d</sup> a verbal Message from His Excellency the Governor by Mr Edwards requiring the immediate attendance of this House at his own House,

Mr Speaker with the House waited on His Excellency the Governor and presented him with the Address of this House and being returned Mr Speaker Reported that he with this House had waited on His Excellency the Governor and presented him with the Address of this House to which His Excellency was pleased to return an Answer; a copy of which he had obtained and laid the same before the House,

Ordered the same be read, The same is read, and ordered to be entered on the Journal of this House, and it is as follows, to wit,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I thank you for your congratulations on my return from Virginia to this Country. It would have afforded me much satisfaction if the supply of ammunition for the protection of the Country, and

the assistance for the Town of New Bern, which I recommended to you in my speech, had been honoured with your approbation

W<sup>m</sup>. TRYON.

Mr Caswell moved for leave to present a petition from sundry of the inhabitants of New Bern praying relief &c<sup>a</sup>.

Mr Caswell moved for leave to present a Bill for the further amendment and continuing an Act Intituled an Act to prevent the Exportation of unmerchantable commodities, which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council

Sent by Mr Cray and Mr Granger.

Mr Kenan moved for leave to present a Bill in addition to an Act Intituled an Act for preventing the frequent abuses of taking up and secreting of stray horses in the Counties &c<sup>a</sup>

Ordered he have leave accordingly.

Mr Kenan presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council,

Sent by Mr Kenan and Mr Dickson

Rec<sup>d</sup> from the Council the following Bill, Viz<sup>t</sup>

The Bill for confirming the qualification of Henry Lockey Sheriff of Beaufort County. Endorsed, 3<sup>d</sup>, November 1769, In the upper House read the second time amended and passed,

On motion ordered the Bill for further continuing an Act Intituled an Act for appointing a Printer to this Province be read the second time, Read the same a second time amended passed and ordered to be sent to the Council.

Sent by Mr Blount and Mr Benj<sup>a</sup> Ward.

Mr Person moved for leave to present a Bill to amend an Act Intituled an Act for ascertaining what Attorneys fees shall be taxed and allowed in any suit or Action brought in any of the Courts of Record in this Province,

Ordered he have leave accordingly.

Mr Person presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council

Sent by Mr Person and Mr Lewis.

Mr Sheppard moved for leave to absent himself from the service of the House till Monday next

Ordered he have leave accordingly

On Motion ordered Mr Richard Ward have leave to absent himself from the service of the House till Monday next,

Then the House Adjourned till tomorrow Morning 10 o'Clock

Saturday the 4<sup>th</sup> November 1769.

The House met according to adjournment.

On motion ordered the Bill for confirming the qualification of Henry Lockey Sheriff of Beaufort County be read a third time, read the same the third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Bonner and Mr Woodhouse.

On motion ordered the Bill to encourage the destroying of vermin in the several Counties therein mentioned be read a third time, read the same the third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Polk and Mr Simpson.

Rec<sup>d</sup> from His Excellency the Governor the Resolve of this House regarding John Smith, Endorsed, concurred with.

W<sup>m</sup>. TRYON.

Also the following Message, to wit,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return you the petition of John Smith of New Bern, with your resolve for allowing him four hundred and seventy three pounds, which I have with pleasure assented to.

W<sup>m</sup> TRYON.

Rec<sup>d</sup> from the Council the Bill for confirming the qualification of Henry Lockey Sheriff of Beaufort County, Endorsed 4<sup>th</sup> November 1769, In the upper House, read the third time and passed. Ordered to be engrossed. And

The Bill to amend an Act for ascertaining what Attorneys fees shall be taxed and allowed in any suit or action brought in any of the Courts of Record in this Province, Endorsed 4<sup>th</sup> November 1769, In the upper House, read the first time and passed.

Mr Eaton moved for leave to prepare and bring in a Bill to encourage any person to discover a cure or remedy against the present raging distemper among Black Cattle.

Ordered he have leave, and that he prepare and bring in the same.

On motion ordered the Bill in addition to an Act Intituled an Act to prevent the unreasonable destruction of fish in the Rivers of Meherrin, Pee Dee and Catawba be read the second time, Read the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Edmunds and Mr Alexander.

Mr Dunn presented the Petition of Thomas Case setting forth that he having been wounded in a fight on the Catawba river and thereby rendered incapable of supporting himself, &c<sup>a</sup>, praying relief.

Ordered the petition lie on the Table.

On motion ordered the Bill to prevent burning the woods at unseasonable times of the year be read a third time, read the same the third time, amended, passed and ordered the same be sent to the Council.

Sent by Mr McKinnie and Mr Thomson.

Rec<sup>d</sup> from the Council the following Bills, towit,

The Bill for erecting the upper part of Tyrrel and the lower part of Halifax Counties into a separate and distinct County and Parish by the name of ----- County and ----- Parish and other purposes, Endorsed 4<sup>th</sup> November 1769, In the upper House, read the second time, amended and passed.

The Bill for the more easy and speedy recovery of small debts and other purposes. Endorsed 4<sup>th</sup> November 1769, In upper House, read the second time, amended and passed.

The Bill for the further amendment and continuing an Act Intituled an Act to prevent the exportation of unmerchantable commodities, Endorsed 4<sup>th</sup> November 1769, In the upper House, read the first time and passed.

Rec<sup>d</sup> from the Council the following Bills, towit,

The Bill in addition to an Act Intituled an Act to prevent the unreasonable destruction of Fish in the rivers of Meherrin, Pee Dee and Catawba, Endorsed, 4<sup>th</sup> November 1769, In the upper House read the second time and passed, and,

The Bill to empower the Justices of the several Counties therein mentioned to establish free ferries and bridges in their respective Counties, and lay a tax for defraying the charges thereof, Endorsed 4<sup>th</sup> November 1769, In the upper House read the second time amended and passed.

Rec<sup>d</sup> a verbal message from His Excellency the Governor by Mr Burgwin requiring the immediate attendance of this House in the Council Chamber,



Mr Speaker with the House waited upon His Excellency the Governor in the Council Chamber, when he was pleased to make a Speech to this House a copy of which to prevent mistakes Mr Speaker had obtained and laid before the House.

Ordered the same to be read; the same is read, and ordered to be entered on the Journal of this House, and is as follows, that is to say,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

Upon looking over the votes of your House, I find some Resolves upon your Journals—Resolves, that after the assurance I had given you in my Speech, have sapped the foundations of confidence and gratitude, have torn up by the roots every sanguine hope I entertained to render this Province further service, if in truth I have rendered it any; and made it my indispensable duty to put an end to this Session. I shall therefore require your attendance on Monday next, when you will present to me such Bills as may then be prepared.

W<sup>m</sup>. TRYON.

4<sup>th</sup> November 1769.

Then the House adjourned till Monday Morning 10 o'Clock.

Monday 6<sup>th</sup> November 1769.

The House met according to adjournment.

Mr Jacob Blount presented the affidavit of James Davis setting forth that in the late storm he had three pounds proclamation money lost, which he apprehends was totally destroyed.

On motion Resolved that the said Ja<sup>s</sup> Davis be allowed three pounds, and that the same be paid out of the sinking fund by the public Treasurers who shall be allowed the same in the settlement of their accounts with the public, and Ordered the following Message be sent to the Council, Viz<sup>t</sup>,

GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNCIL,

This House have Resolved, that James Davis be allowed the sum of three pounds, he having made it appear, that in the late storm he lost a sum equal to that in proclamation money which we have directed to be paid out of the sinking fund, and desire your Honors concurrence thereto.

JOHN HARVEY, Sp.

Sent by Mr Jacob Blount and Mr Dunn.

Mr Harnett moved for leave to present a Bill for erecting the Counties of Anson and Cumberland into a district by the name of ---- District, and establishing a Superior Court for the same.

Ordered he have leave accordingly.

Mr Harnett presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Blount and Mr Dunn.

On motion Resolved that the following message be sent His Excellency the Governor, Viz<sup>t</sup>,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR, &c<sup>a</sup>

SIR,

The assurance your Excellency gave this House at the opening of this Session of the repeal of those Acts so contrary to the interest both of Great Britain and America, had the repeal of them happily for us been in your power, would have been a certainty, upon which the House could not but have relied, without indeed sapping the foundations of confidence and gratitude and justly forfeiting all title to your Excellency's future favour and services.

But as those assurances were in consequence of expectations founded on the intention of Ministers to recommend such appeal to Parliament who might or might not have been in place at the next meeting thereof, we could not but think it a duty we indispensibly owed our constituents, to express our disapprobation of Acts and measures, in our apprehension grievous and unconstitutional.

To this motive alone we beg of you Sir, to impute those Resolves, not to a loss of confidence in your Excellency or for want of a very grateful remembrance of those signal services you have rendered this Province; and we with pleasure take this public opportunity of declaring to the World the Benefits this Province have received from your Excellency's Administration, have excited in our bosom the warmest sensations of Gratitude, and most deservedly obtain you the blessing of Posterity.

JOHN HARVEY, Sp.

Sent by Mr Moore and Mr Dunn.

Mr Cray presented the petition of Jane Wilton setting forth that in the late storm she had nineteen pounds proclamation money or Bills totally destroyed praying relief &c<sup>a</sup>.

On motion Resolved the sum of nineteen pounds be allowed to Jane Wilton, and paid by public Treasurers out of the sinking fund, and allowed them in their Accounts with the public.

Ordered the following Message be sent to the Council, Viz<sup>t</sup>,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House have allowed Jane Wilton nineteen pounds she having made it appear to the satisfaction of the House that in the late storm she lost a sum equal to that in proclamation or Bill money which was totally destroyed, which sum we have directed to be paid out of the sinking fund, and desire your concurrence thereto.

JOHN HARVEY, Sp.

Sent by Mr Cray and Mr Eaton.

On motion ordered the Bill for the more easy and speedy recovery of small debts be read a third time, Read the same a third time, amended passed and ordered to be sent to the Council.

Sent by Mr Edmunds and Mr Lewis.

Rec<sup>d</sup> from the Council the Resolve of this House regarding James Davis, Endorsed, 6<sup>th</sup> November 1769, In the upper House.

Concurred with

JAMES HASELL, P. C.

Also the Resolve of this House regarding Jane Wilton, Endorsed, 6<sup>th</sup> November 1769, In the upper House, Concurred with

JAMES HASELL, P. C.

On motion ordered the following message be sent to His Excellency the Governor, Viz<sup>t</sup>,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

This House herewith send your Excellency the Resolve of this House for allowing James Davis the sum of three pounds also the Resolve of this House for allowing Jane Wilton the sum of nineteen pounds, both of which are concurred with by His Majesty's Council, and desire your Excellency's Assent. JOHN HARVEY, Sp.

Sent by Mr Pollock and Mr Davis.

On motion ordered that the Bill for the further amendment and continuing an Act Intituled an Act to prevent the exportation of

unmerchtable commodities be read a second time, Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Thomas Relfe and Mr Kenan.

On motion ordered the Bill to impower the Justices in the several Counties therein mentioned to establish free ferries and bridges in their respective Counties and lay a tax for defraying the charges thereof be read a third time, read the same a third time amended passed and ordered to be sent to the Council.

Sent by Mr Edmunds and Mr Moore.

On motion ordered the Bill in addition to an Act Intituled an Act to prevent the unreasonable destruction of Fish in the Rivers of Meherrin, Pee Dee and Catawba be read the third time, read the same a third time amended, passed and ordered to be sent to the Council.

Sent by Mr Edmunds and Mr Moore,

On motion ordered the Bill to amend an Act Intituled an Act [to prescribe] what fences are sufficient be read a third time, read the same the third time, amended passed and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr Smith.

On motion ordered the Bill for erecting the upper part of Tyrell and lower part of Halifax Counties into one separate and distinct County and Parish by the name of Bedford County and Saint John Parish and other purposes, be read a third time, read the same a third time amended passed and ordered to be sent to the Council.

Sent by Mr William Slade and Mr Wynn.

Rec<sup>d</sup> from His Excellency the Governor the following message, towit,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

I return you the two Resolves of your House, the one for allowing James Davis the sum of three pounds, the other for allowing Jane Wilton the sum of nineteen pounds, to both of which I have assented.

W<sup>m</sup>. TRYON.

Rec<sup>d</sup> at the same time the two resolves of this House regarding the allowance of the said James Davis and Jane Wilton, Endorsed 6<sup>th</sup> November 1769, Concurréd with.

W<sup>m</sup>. TRYON.

And the following Message, to wit,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

In answer to your Message of this day I am sorry to observe you have founded your late conduct on a jealousy of the intention of Ministers who might or might not be in office at the Meeting of Parliament; I assure you that I received those assurances communicated to you in my Speech, as the voice of the Crown and do not believe a change of the Ministry will make any change of the measures therein adopted by his Majesty's present Servants.

I thank you for your highly Honorable Testimonies you give me of your approbation of my Conduct during my administration.

6<sup>th</sup> November 1769.

W<sup>m</sup>. TRYON.

On motion ordered the following Message be sent His Majesty's Honble Council.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your Message of this day relative to the Bill to prevent burning the woods at unseasonable times of the year, We agree that Duplin shall be *steted*, but cannot agree that New Hanover shall be *steted* in the Bill, and send Mr Ashe and Mr Kenan two of the members of this House to see Duplin *steted* accordingly. We acknowledge the receipt of your Message respecting the claim of James Walker and Jas. Craig and cannot agree to allow the same.

JOHN HARVEY, Sp.

Rec<sup>d</sup> from the Council the following Bills, towit,

The Bill for the further amendment and continuing an Act Intituled an Act to prevent the exportation of unmerchantable commodities, Endorsed 6<sup>th</sup> November 1769, In the upper House read the second time amended and passed.

On motion ordered the Bill for further amending and continuing an Act Intituled an Act to prevent the exportation of Unmerchantable commodities be read a third time, Read the same the third time amended passed, and ordered to be sent to the Council

Sent by Mr M<sup>c</sup>Kinnie and Mr Blount.

Mr Caswell from the Committee of Claims reported the said Committee had examined and allowed several Claims which were read and allowed of by the House, Ordered the same be sent to the Council for their concurrence and also the estimate of allowances to the Members, Clerk and officers of this House.

Sent by Mr Skinner and Mr Beasley.

This House convinced of the necessity of a fair and just state of the public accounts and funds Have Resolved that John Burgwin Esq<sup>r</sup> be appointed to examine and state the same from the year one thousand seven hundred and forty eight, and that he report the same to this House at their next Session, and to enable him to perfect the same it is further Resolved that the Treasurers, and all other persons having any public papers in their hands, do supply him with such documents or papers as he may Judge necessary on his applying to them for the same, and the expence of procuring be paid by the public, and that the public Treasurers supply him with twenty five pounds to enable him to procure the same

On motion Resolved that all persons who oppose Sheriffs in the due execution of their office, shall be looked upon by this House as Enemies to their Country, meriting its severest censures, and deserving of its highest punishment, and such persons will be treated with the utmost rigour in the power of this House to exert against them.

Rec<sup>d</sup> from the Council the Estimate of Allowances to the Members, Clerk and officers of the Council which was read and allowed by the House.

Rec<sup>d</sup> from the Council the Reports of the Committee of Claims and the estimate of allowances to the Members Clerks and Officers of this House, Endorsed, 6<sup>th</sup> November 1769, In the upper House read and approved of, and Concurred with,

JAMES HASELL, P. C.

On motion, Resolved, that if any public officer shall exact illegal fees, or otherwise under colour of his office unduly oppress the people, such officer so acting shall on conviction thereof receive the highest censure and punishment this House can inflict upon him.

Rec<sup>d</sup> from His Excellency the Governors verbal Message by Mr Burgwin requiring the immediate attendance of this House.

Mr Speaker with the House waited on His Excellency the Governor in the Council Chamber and Mr Speaker presented him five Bills, to wit,

The Bill for appointing an Agent to solicit the affairs of this Province at the several Boards in England,

The Bill to encourage the destroying vermin in the several Counties therein mentioned

The Bill for confirming the qualification of Henry Lockey Sheriff of Beaufort County

The Bill to empower the Justices in the several Counties therein mentioned to establish free ferries and bridges in their respective Counties and lay a tax for defraying the charges thereof.

The Bill in addition to an Act to prevent the unreasonable destruction of fish in the Rivers Meherrin, Pee Dee, and Catawba, To the first four mentioned His Excellency was pleased to assent and the last he rejected.

Then His Excellency was pleased to make a Speech to his Majesty's Honble Council and this House a Copy of which to prevent mistakes, Mr Speaker obtained and laid before the House, which was read and ordered to be entered on the Journal of the House, as follows, to wit,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL, MR SPEAKER AND  
GENTLEMEN OF THE ASSEMBLY.

I met this Assembly with a most sincere disposition to forward the public business of the Country, and I make this public acknowledgement of my thanks to the Gentlemen of His Majestys Council for the chearfulness they have shewn to Co-operate with me; and my gratitude to the House of Assembly for the Honorable opinion they have declared in favour of my administration. You may be assured Gentlemen that the interruption which has been given to the business of this Session, has not occasioned more disappointment to you than the cause of it has occasioned real affliction to me.

The plan I laid before you for your public funds, if adopted by Legislature and invariably pursued (otherwise it will be insufficient) will produce the happiest effects to this Country: and I will be bold to affirm, if ever carried into any future Session, into an Act of the Legislature, it will be acknowledged the most beneficial session this Country ever experienced, though it should be the only Act passed in that Session; But this blessing is not to be obtained for the Country while the Treasurers, late Sheriffs and their Sureties, can command a Majority in the lower House, and while a Treasurer is suffered to absent himself, and withhold the public accounts from the General Assembly let the pretence of his absence be ever so urgent.

This Morning I saw some public Accounts of the Treasurer for the Southern District, those Accounts are so very irregularly and negligently kept, that the public must be abused, if an Amendment

is not made to the mode pursued, but as I am told it is the method his predecessors followed, no censure can lay upon that Gentleman.

As my duty preceeds every other consideration I do now dissolve this Assembly, and this Assembly is accordingly dissolved,

W<sup>m</sup>. TRYON.

6<sup>th</sup> November 1769.

[FROM MS RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA — SS.

Reports of the Committee of Public Claims held at Newbern on Monday 30<sup>th</sup> October 1769.

Present

The Honorable Lewis DeRosset Esquire  
one of the Members of Council, and

M<sup>r</sup> Richard Caswell

M<sup>r</sup> Edward Vail

M<sup>r</sup> Felix Kenan

M<sup>r</sup> Jacob Blount

M<sup>r</sup> Abram Sheppard

M<sup>r</sup> John Beesly

M<sup>r</sup> John Dunn

M<sup>r</sup> Thomas Polk

M<sup>r</sup> Griffeth Rutherford

and

M<sup>r</sup> John Skinner

M<sup>r</sup> Joseph Jones

Members of the Assembly.

The Committee being met at M<sup>r</sup> Frazier's House proceeded to make choice of a Chairman and M<sup>r</sup> Richard Caswell was chosen accordingly,

And James Glasgow was appointed Clerk to the said Committee.

Ordered that the Clerk advertize that the said Committee propose to sit at M<sup>r</sup> Sitgreaves House tomorrow evening six O'Clock and every other evening after during this Session of Assembly.

John Rowan Esq<sup>r</sup> is allowed his claim of eighty pounds for a negro man named Gwyn executed for Felony in Brunswick County and valued to that sum as per Certificate filed.....£80 0 0

William Reed of Mecklenburg County is allowed his claim of five pounds for Conveying William Rasbury a Felon from Warsaw to Salisbury Gaol as p. account filed---- 5 0 0

Christopher Robinson of Bute County is allowed his claim of eighty pounds for a negro man named Batt executed for Felony and valued to that sum as per Certificate filed, 80 0 0



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Osborn Jeffrys Sheriff of Bute County is allowed his claim of Forty Shillings for fees and executing the said negro Batt by Order of the Court as per account filed-----	£ 2	0	0
Benjamin M'Culloh Clerk of Bute County is allowed his claim of twenty shillings for his fees on the Trial of said negro Batt as per account filed-----	1	0	0
Daniel Little public Gaoler of Salisbury District is allowed his claim of seventy pounds and eight pence for prison fees and sundry Guards summoned to Guard the said Gaol when Henry Ferril, Hugh Berry, Govay Black and William Fields, Felons were confined therein as per Certificates and Accounts filed-----	70	0	8
Andrew Allesson Sheriff of Rowan County is allowed his claim of five pounds for executing and burying William Fields a felon as per account filed-----	5	0	0
Francis Clayton of New Hanover is allowed his claim of one hundred and sixty pounds for two negroes named Jack and Toney executed for Felony in the said County and valued to that sum as per Certificate filed-----	160	0	0
Edward Sall is allowed his claim of eight shillings for three days Guarding Wilmington Gaol when the Seymours were confined in the same as pr account filed-----	0	8	0
Christopher Dudley Gaoler of Halifax District is allowed his claim of ninety three pounds fourteen shillings for sundry Prison Fees against Thomas White, John Barnett, John Lawrence, Solomon Sikes, John Brown and William Blackwell (and for Irons for them) persons charged with Felony who having no Estate were discharged by Order of the Court as per Certificates and Account filed-----	93	14	0
Isaac Edwards Esq <sup>r</sup> was allowed his claim of sixty one pounds six shillings and eight pence for sundry Seals and Commissions and for Services by him done for the public as Secretary to his Excellency the Governor as per his Account filed-----	61	6	8
Thomas Polk is allowed his claim of nine pounds four shillings for victualing Cherokees at the request of His Excl <sup>y</sup> The Governor as pr Acc <sup>t</sup> filed-----	9	4	0
John London Clerk of New Hanover is allowed his claim of seven pounds for Fees on Trial of seven negroes executed for Felony as per Acco <sup>t</sup> filed-----	7	0	0

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The Honorable Benjamin Heron Esquire Secretary is allowed his claim of one hundred and ninety eight pounds eleven shillings and one penny for sundry commissions and proclamations and for Office rent as per Account filed .....	198	11	1
Jacob Blount Esq <sup>r</sup> of Craven County is allowed his claim of fifty shillings for conveying John Nanpelt a Felon to Newbern Gaol as per Account filed .....	2	10	0
* Humphrey Nichols Sheriff of Bertie is allowed his claim of four pounds for executing two negroes for Felony as per Account filed .....			
It is the opinion of your Committee that M <sup>r</sup> Thomas Sitgreaves be allowed five pounds for the Committee Room and Candles &c <sup>a</sup> this present Session of Assembly----	5	0	0
It is the opinion of your Committee that James Glasgow be allowed the sum of twenty pounds for acting as Clerk to your said Committee .....	20	0	0
	<hr/> £800 14 5		

R<sup>d</sup> CASWELL, Chairm.  
 FELIX KENAN  
 THO<sup>s</sup> POLK  
 GRIFFETH RUTHERFORD  
 JOSEPH JONES  
 JOHN DUNN  
 JN<sup>o</sup> BAP. BEASLEY

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In the Assembly Novem<sup>r</sup> 6<sup>th</sup> 1769, The foregoing Reports were read and agreed to, to which we desire your Honours concurrence,  
 JOHN HARVEY, Sp.

By order J. GREEN, J<sup>r</sup>, Clk.

Sent by Mr Skinner and Mr Beasley.

6<sup>th</sup> November 1769, In the upper House, and approved of and concurred with JA<sup>s</sup> HASELL, P. C.

By order J. BURGWIN, Clk.

6<sup>th</sup> November 1769, Concurred with

W<sup>m</sup>. TYRON.

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\* Error, this claim allowed in the Counties in 1766.

[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF STATE.]

THE STATE OF NORTH CAROLINA

To His Excellency Governor Tryon Dr.

1769		For presents made the Cherokee Indians Viz,							
Jan'y	13	Paid Joseph Goldwin for sundry Articles of Cloth Linnen &c-----	£	s	d	£	s	d	
			15	51	10				
		Paid John Rogers for entertaining them	7	10	4				
		Paid for Rifle Gun for them-----	9	00	00				
		Paid for a smooth boared Gun for D°--	5	00	00				
						37	6	2	
		For presents made the Catawba Indians Viz.							
Feby	24	Paid Joseph Goldwin for sundry Articles of Cloth Linen &c-----	£	s	d				
			15	13	0				
		Paid John Rogers for entertaining them	7	1	4				
		Paid W <sup>m</sup> Lord for pork & Bread to take on their Journey-----	1	1	8				
						23	16	0	
Oct	1	To cash advanced to one hundred & odd Scots (who came into Cape Fear in September to settle in Cumberland County) to furnish them provisions &c				15	00	00	
	12	To cash paid William Godfrey for riding Express from Granville County to Newbern with a Public Dispatch-----				6	00	00	
						82	2	2	

J. EDWARDS, Priv: Sec:

Newbern 2<sup>d</sup> November 1769.In the Assembly November 3<sup>d</sup> 1769. Allowed

JOHN HARVEY, Speaker.

3<sup>d</sup> November 1769, In the the upper House concurred with.JA<sup>s</sup> HASELL, P. C.

By order J. BURGWIN, Clk.

Concurred with

W<sup>m</sup>. TRYON.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—Ss. }  
 October Session 1769 }

An estimate of the Allowances due and Payable to the members of the Assembly at New Bern, Clerk, Officers and others, this present Session.

MEMBERS NAMES.	DAYS COMING & GOING HOME.	DAYS ATTENDANCE.	TOTAL N <sup>o</sup> . OF DAYS.	FERRIAGES.	EVERY MEMB <sup>r</sup> 'S ALLOWANCE.	SUM TOTAL.
				£ s. d.	£ s. d.	£ s. d.
John Harvey Esq <sup>re</sup> Sp <sup>kr</sup>	10	17	27	5 4 8	15 7 2	
M <sup>r</sup> Mathew Raiford	14	15	29	0 6 8	10 4 2	
M <sup>r</sup> William Mask	14	15	29	0 6 8	10 9 2	
M <sup>r</sup> William M <sup>c</sup> Ree	12	17	29	0 4 8	10 7 2	
M <sup>r</sup> John Grange	12	10	22	0 4 8	8 9 8	
M <sup>r</sup> Thomas Bonner	4	19	23	1 4 0	9 16 6	
						65 13 10
M <sup>r</sup> Moses Hare	4	15	19	1 4 0	8 6 6	
M <sup>r</sup> Thomas Eaton	10	12	22	0 8 0	8 13 0	
M <sup>r</sup> Benj <sup>a</sup> Ward	10	17	27	0 8 0	10 10 6	
M <sup>r</sup> John Campbell	8	7	15	2 16 0	8 8 6	
M <sup>r</sup> Linnington Lockhart	8	9	17	2 16 0	9 3 6	
M <sup>r</sup> John Maul	4	17	21	0 12 0	8 9 6	
						53 11 6
M <sup>r</sup> Jacob Blount	2	13	15	0 1 4	5 13 10	
M <sup>r</sup> Will <sup>m</sup> Thomson	4	16	20	0 4 0	7 14 0	
M <sup>r</sup> Joseph Bell	4	18	22	0 4 0	8 9 0	
M <sup>r</sup> Edward Vail	8	17	25	5 4 8	14 12 2	
M <sup>r</sup> Thomas Hoskins	8	19	27	5 4 8	14 7 2	
M <sup>r</sup> John Beasley	8	17	25	5 4 8	14 12 2	
						66 8 4
M <sup>r</sup> John Woodhouse	14	14	28	2 16 8	13 6 8	
M <sup>r</sup> Henry White	14	14	28	2 16 8	13 6 8	
M <sup>r</sup> Will <sup>m</sup> M <sup>c</sup> Kinnie	4	18	22	0 1 4	8 6 8	
M <sup>r</sup> Abraham Sheppard	4	15	19	0 1 4	7 3 10	
M <sup>r</sup> Felix Kenan	6	14	20		7 10 0	
M <sup>r</sup> W <sup>m</sup> Dickson	6	14	20		7 10 0	
						57 3 10

AN ESTIMATE OF ALLOWANCES, &c. — *Continued.*

MEMBERS NAMES.	DAYS COMING & GOING HOME.	DAYS ATTEND- ANCE.	TOTAL N° OF DAYS.	FERRI- AGES.	EVERY MEMB'RS ALLOW- ANCE.	SUM TOTAL.
				£ s. d.	£ s. d.	£ s. d.
Mr Micaj <sup>h</sup> Thomas-----	6	17	23	0 8 0	9 0 6	
Mr Aquila Sugg-----	6	14	20	0 8 0	7 18 0	
Mr Tho <sup>s</sup> Person-----	12	18	30	0 2 8	11 7 8	
Mr Howell Lewis-----	12	18	30	0 2 8	11 7 8	
Mr W <sup>m</sup> Alston-----	8	19	27	0 4 0	10 6 6	
Mr Edw <sup>d</sup> Hare-----	10	16	26	0 4 8	9 19 8	
						60 0 0
Mr Edw <sup>a</sup> McSwain-----	8	15	23	0 12 0	9 4 0	
Mr Rothens Latham----	8	15	23	0 12 0	9 4 0	
Mr Needham Bryan----	6	18	24	0 1 4	9 1 4	
Mr John Smith-----	6	18	24	0 1 4	9 1 4	
Mr Thomas Polk-----	18	15	33	0 7 4	12 14 10	
Mr Ab <sup>m</sup> Alexander-----	18	15	33	0 7 4	12 14 10	
						62 0 4
Mr John Ashe-----	8	11	19	0 5 4	7 7 10	
Mr James Moore-----	8	10	18	0 5 4	7 0 4	
Mr Henry Dawson-----	10	16	26	0 9 4	10 4 4	
Mr Howell Edmunds----	10	16	26	0 9 4	10 4 4	
Mr Richard Caswell----	2	19	21	-----	7 17 6	
Mr Hermon Husband----	12	18	30	0 5 4	11 10 4	
						54 4 8
Mr John Pryor-----	12	18	30	0 5 4	11 10 4	
Mr William Cray-----	6	18	24	0 2 8	9 2 8	
Mr Richard Ward-----	6	18	24	0 2 8	9 2 8	
Mr Andrew Knox-----	10	19	29	2 16 8	13 14 2	
Mr Jn <sup>o</sup> Skinner-----	10	19	29	2 16 8	13 14 2	
Mr Tho <sup>s</sup> Harvey-----	10	17	27	2 16 8	12 19 2	
						70 3 2
Mr Jo <sup>s</sup> Jones-----	12	19	31	2 16 8	14 9 2	
Mr Tho <sup>s</sup> Relfe-----	12	19	31	2 16 8	14 9 2	
Mr John Lowry-----	12	17	29	2 16 8	13 14 2	
Mr W <sup>m</sup> Relfe-----	12	19	31	2 16 8	14 9 2	
Mr Jon <sup>a</sup> Herring-----	12	19	31	2 16 8	14 9 2	
Mr Jn <sup>o</sup> Simpson-----	4	15	19	0 1 4	7 3 10	
Mr John Spier-----	4	15	19	0 1 4	7 3 10	
						85 10 6

AN ESTIMATE OF ALLOWANCES, &c. — *Continued.*

MEMBERS NAMES.	DAYS COMING & GOING HOME.	DAYS ATTEND- ANCE.	TOTAL N° OF DAYS.	FERRI- AGES.	EVERY MEMB'RS ALLOW- ANCE.	SUM TOTAL.
				£ s. d.	£ s. d.	£ s. d.
M <sup>r</sup> Griffith Rutherford	16	15	31	0 3 4	11 15 10	
M <sup>r</sup> Chrisp <sup>r</sup> Nation	16	18	34	0 3 4	12 18 4	
M <sup>r</sup> John Dunn	16	15	31	0 3 4	11 15 10	
M <sup>r</sup> Ebenezer Slade	8	14	22	0 12 0	8 13 8	
M <sup>r</sup> William Slade	8	14	22	0 12 0	8 13 0	
M <sup>r</sup> Kenneth M <sup>c</sup> Kinzie	8	18	26	0 12 0	10 7 0	
M <sup>r</sup> Peter Wynn	8	13	21	0 12 0	8 9 6	
						72 12 6
M <sup>r</sup> Benj <sup>a</sup> Hassell	8	13	21	0 12 0	8 9 6	
M <sup>r</sup> Will <sup>m</sup> Moore	19	15	34	0 4 0	12 19 0	
M <sup>r</sup> Corn <sup>s</sup> Harnett	8	10	18	0 5 4	7 0 4	
M <sup>r</sup> Robert Howe	10	3	13	0 17 4	5 15 10	
M <sup>r</sup> William Davis	10	3	13	0 17 4	5 15 10	
M <sup>r</sup> James Blount	8	2	10	5 4 8	8 19 8	
						49 0 2
M <sup>r</sup> Benj <sup>a</sup> Harvey	10	2	12	5 4 8	9 14 8	
M <sup>r</sup> Cullen Pollok	8	2	10	5 4 8	8 19 8	
James Green j <sup>r</sup> Clk	2	19	21		11 4 0	
Benjam <sup>n</sup> Fordham Mace						
Bearer	2	19	21		5 12 0	
Francis Liner Doorkeep <sup>r</sup>	8	19	27	0 1 4	7 5 4	
						42 15 8

To John Burgwin for Drawing five Bills	£ 5 0 0
To William Enen for Engrossing One Bill	1 0 0
To James Green jun. for three Transcripts of the Journal to His Excell <sup>y</sup> the Governor & printer	15 0 0
To Christopher Neale for Issuing Chairmans Warrants Summons Copys &c <sup>a</sup> this present Session as Clerk of the Committee of Privileges & Elections	16 0 0
To James Glasgow for Copying & Engrossing 23 Bills and acting as Clk to the Special Committee	23 0 0
To David Gordon for Copying & Engrossing 4 Bills	4 0 0
To Benj <sup>a</sup> Fordham Mace Bearer Extra Services	12 0 0
To Francis Liner (Doorkeeper) for Extra Services	12 0 0
To James Green jr. Clk. for Extra Services	60 0 0

## GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL.

The above Estimate and Allowances, this House have agreed to  
& Desire your Honors Concurrence.

JOHN HARVEY, Speaker.

By order J. GREEN jr., Clk.  
6<sup>th</sup> Novem<sup>r</sup> 1769.

Sent by M<sup>r</sup> Knox & M<sup>r</sup> Tho<sup>s</sup> Harvey.

6<sup>th</sup> November 1769. In the upper House read approved of &  
concurred with. JA<sup>s</sup>. HASELL, President.

By order BURGWIN, Clk.

6<sup>th</sup> Nov. 1769. Concurred with. W<sup>m</sup>. TRYON.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE]

## COUNCIL JOURNALS.

At a Council held at New Bern 4<sup>th</sup> November 1769.

Present

His Excellency the Governor

The Honble	{	Jas Hasell	Alex. M <sup>c</sup> Culloch	} Esquires
		Lewis DeRosset	W <sup>m</sup> Dry, and	
		John Sampson	Robt Palmer	

The Honble Alexander M<sup>c</sup>Culloch Esq<sup>r</sup> complained That the Honble James Murray and Edward Brice Dobbs Esq<sup>rs</sup> not having qualified as members of His Majesty's Council, and had been absent out of the Province for a number of years, whereby an additional duty was laid on the residing members of Council, desired that the same might be taken into consideration. His Excellency acquainted this Board that by the 11<sup>th</sup> Article of His Majestys Royal Instruction any member or members of Council who shall absent themselves from the Province, and shall remain absent for the space of two years successively without his Majestys leave given them under His Royal sign Manual, their place or places in the said Council shall immediately thereupon become void, And as the above mentioned Gentlemen come under the said instruction, His Excellency suspends

James Murray and Edward Brice Dobbs Esq<sup>n</sup> and declares their seats at this Board void accordingly.

Upon complaint of William Taylor against Philip Jones, Sheriff of Johnston County, for a misdemeanor in Office—Ordered that summons issue to William Taylor, Philip Jones, Richard Aycock, and Samuel Smith that they be and appear before His Excellency in Council at Brunswick on the 15<sup>th</sup> day of December next, then and there to answer of and concerning the above Complaint.

At a Council held at New Bern 10<sup>th</sup> November 1769.

Present

His Excellency the Governor

The Honble	{	James Hasell	Alexander M <sup>c</sup> Culloch	}	Esquires
		Lewis DeRosset	William Dry, and		
		John Sampson	Robert Palmer		

Ordered that the following gentlemen be added to the Commission of Peace and *Dedimus* for the several and respective Counties undermentioned—Viz<sup>t</sup> For Tryon—John Robeson, Francis Adams, George Blanton, John Thomas, Robert Ewart, Robert Blackburn, James M<sup>c</sup>Intire and Timothy Riggs; Johnston—Joel Lane and Hardy Sanders; Carteret—George Bell; Anson—John Cole and James Picket; Bute—William Parks, Robert Goodlow; Rowan—James Smith, John Campbell, and John Kimborough; Orange—Nathaniel Hart, James Lea Sen<sup>r</sup>, Tignell Jones, Francis Drake, Thomas Douglass, John Lowe and Richard Cheeck.

Also, Ordered that the Chairman of the said several and respective Courts be directed to insert the names of the several Gentlemen above mentioned in the Commission of the peace and *dedimus* for the said Counties in open Court, in the Order they now stand.

Ordered that the Clerk of the Court for the County of Tyrrell, return to the Secretarys Office, the names of those Justices that are dead, or not qualified to the Commission of peace for that County.

His Excellency laid before this Board the following Papers Viz<sup>t</sup>. The petition of Oliver Wallis setting forth that being formerly convicted of horse stealing, and having received His Majestys Reprieve under the Seal of this Province, bearing date the 22<sup>d</sup> day of December 1763,—Several persons take the advantage of his being deprived of his Oath, wherby he labours under many great inconveniences by withholding from him several just debts. Humbly prays that His Excellency will please to extend to him, His Majestys most



Gracious free pardon for the above crime; and also a certificate signed by several of the principal Inhabitants of Rowan County, certifying that the said Oliver Wallis hath behaved himself honestly and well since the said reprieve — His Excellency desired the opinion of this Board, whether he should grant the said Wallis his Petition. This Board unanimously advise His Excellency to grant His Majestys most Gracious free pardon to the said Oliver Wallis.

Ordered that His Majestys Receiver General, of Quit rents lay before His Excellency in Council at the setting of the next Court of Claims in December next, the Accounts of his Majestys Revenue of Quit Rents, which were last Audited by the Deputy Auditor — Also the Accounts of receipts and payments since that period; together with the names of persons employed as his Deputies in the several Counties in His Majestys district

And also Ordered, that a Copy of this Order be transmitted by the Secretary forthwith to the Receiver General.

His Excellency acquainted this Board, as he found himself under a necessity to dissolve the Late Assembly, on account of certain Resolves entered upon the Journals of the lower House, desired the opinion and advice of this Board, when it would be proper to issue Writs for a new Election of Members of Assembly

It is the unanimous opinion and advice of this Board that Writs issue the 1<sup>st</sup> day of February, the election to be the 12<sup>th</sup> day of March next and the Assembly to be held at New Bern the 1<sup>st</sup> day of May when the Writs are then and there to be returned

Ordered that the Court of Claims be held at Brunswick on the 13<sup>th</sup> day of December next

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[N. C. LETTER BOOK S. P. G.]

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His Excellency Governor Tryon's Letter to the Gentlemen of the Vestry of St Lukes parish Rowan County. — (Extract.)

NEWBERN 12<sup>th</sup> Nov<sup>r</sup> 1769.

GENTLEMEN,

The Reverend Mr. Drage who is lately arrived from England, warmly recommended to me, waits on you to officiate in your parish for the space of two or three months, at the expiration of which time should he give satisfaction in his sacred calling, and his situa-

tion prove agreeable to him I propose to give him Letters of Presentation and Induction to your parish agreeable to the petition of sundry of the Inhabitants of your county delivered to me when I was at Salisbury. I am Gentlemen your very obedient Servant,  
W<sup>m</sup>. TRYON.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl of Hillsborough.

BRUNSWICK 22<sup>d</sup> November 1769

I am to inform your Lordship by a vessel that sails to morrow from this river for Hull that I opened the General Assembly of this province on Monday the 23<sup>d</sup> of October, and that on Thursday the second of this month the House of Assembly without the least previous knowledge of their intention being communicated to me, unanimously adopted, and entered upon their Journals some resolves with an Address to his Majesty, similar to what was framed by the House of Burgesses of Virginia in May last

As the address of the Assembly in answer to my speech had been prepared some days before this transaction, and only waited till my health would permit me to receive it, I sent to the House on Friday the third of November to present their address, to which I made a reply. Saturday the fourth I ordered the Clerk of the House of Assembly to wait on me with the votes of that House, where finding the above mentioned resolves and address entered upon their Journals, about noon the same day I sent for the immediate attendance of the House and expressed to them my sentiments of their conduct but postponed the dissolution of the Assembly till Monday as I understood they had a Bill preparing for the appointment of an Agent agreeable to the form prescribed by his Majesty

On Monday morning the sixth, the House of Assembly sent me a message, a copy of which I enclose, together with my answer. At three I went to the Council Chamber and sent to require the immediate attendance of the House when in a speech I dissolved the General Assembly after passing a bill for the appointment of Mr Henry Eustace M<sup>c</sup>Culloh, Agent for this province for two years, with three other bills.

By the advice of His Majestys Council writs for a new election are not to issue till the first of February next, the elections to be

made the 12<sup>th</sup> of March and the Assembly to meet at Newbern the first week in May, before which period I much wish to be honored with his Majestys further commands, and to hear of the repeal of those Acts of Parliament laying dutys on paper, glass and colours in America.

This province appears to be in a stricter union with Virginia than any other colony, and I believe will steadily pursue the public conduct of that colony.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

BRUNSWICK 30<sup>th</sup> November 1769.

The Resolves of the House declaring to treat with severity all persons who shall oppose Sheriffs in the execution of their office and cautioning public officers from taking unlawful fees will have I hope the desired effects.

The method of keeping the public accounts of this colony has been a great grievance to the country. I have made it an object of my attention ever since my arrival here to establish a better mode, and as I had the satisfaction to find the General Assembly willing to receive the information I had obtained, through the good offices of Mr Nicholas, Treasurer of Virginia, I laid before both Houses a plan I had digested as nearly as possible conformable to that observed in Virginia, a copy of which is entered on the Journals of the upper House. This plan was well received by those who wished to have a settlement made of the public accounts, and a fair and honorable method preserved in future. I am sensible it will be productive of some advances towards better regulations, and a proper settlement, for though a few may not approve, the country is too impatient to know the state and condition of the public funds to permit them to remain in their present obscurity. I am my Lord &c<sup>a</sup>

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

BRUNSWICK 30<sup>th</sup> November 1769.

The conduct of the Council has been steadily and uniformly

directed towards his Majestys interest and that of his colony I therefore humbly hope his Majesty's royal favor may be extended to the gentlemen of the Council by giving success to their address which I transmitted with my letter N° 30, bearing date the 21<sup>st</sup> of March 1768, to the Earl of Shelburne, then one of his Majestys principal Secretaries of State, and which I find by your Lordships correspondence was referred to the Lords of the Treasury with a favorable report from the Lords of Trade.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

BRUNSWICK the 30<sup>th</sup> November 1769.

I have the honor herewith to transmit to your Lordship under the colony seal, four Acts passed at the General Assembly opened at Newbern the 23d of October and dissolved the sixth of this month, Viz,

1. "An Act for appointing an Agent to solicit the affairs of this province at the several Boards in England."
2. "An Act for confirming the qualification of Henry Lockey, Sheriff of Beaufort County."
3. "An Act to encourage the destroying of vermin in the several Counties therein mentioned."
4. "An Act to empower the Justices in the several Counties therein mentioned, to establish free ferries and bridges in their respective counties, and lay a tax to defray the charges thereof."

As these Acts appear to be sufficiently explanatory of themselves I have nothing to observe on them.

An Act entitled "A Bill in addition to an Act entitled an Act to prevent the unseasonable destruction of Fish in the rivers Meherrin, Pee Dee and Catawba, I rejected, esteeming it prejudicial to the general interest of the country, and destructive of that spirit of industry and commerce so much wanted to be encouraged in this colony. If the inhabitants up Meherrin River who are getting into a considerable trade by the herring fishery to the West India markets, were prevented from joining many seines together at the proper season, when the herrings are in shoals, the fishery would be destroyed, as one success of the sein would be very inconsiderable on

account of the width of the Meherrin River even above where it forks with the Nottoway. It is remarkable the Virginians do not complain of the want of Herrings in the Meherrin River at the proper season. Upon these principles I rejected the Bill herein inclosed.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to the Earl of Hillsborough.

BRUNSWICK the 1<sup>st</sup> December 1769.

In pursuance of an address of the House of Commons to his Majesty in 1766 and in obedience to the King's commands thereupon, I am to inform your Lordship no new Manufactures have been set up and carried on in this government since my letter to your Lordship of the 13<sup>th</sup> of June, 1768 N<sup>o</sup> 3.

The Iron Works intended on Trent River do not at present proceed owing, I understand for want of a capital in the undertakers to carry them into effect.

There are two still Houses now constructing in the country, one at Wilmington and the other at Newbern, purposely for distilling spirits from Molasses, each established to distill from two to three hundred hogsheads annually.

The Newbern still house had got to work just before the storm of the seventh of September last, when the greatest part of it was destroyed.

There has been for some years two Fulling Mills erected, on a branch of Deep River in Orange County: The cloths that are brought from these mills are valued from two shillings and six pence to four shillings sterling per yard. The intelligence of these Fulling Mills did not reach me before last Summer.

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[N. C. LETTER BOOK S. P. G.]

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TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA, THE HONORABLE MEMBERS OF HIS MAJESTY'S COUNCIL AND THE GENTLEMEN OF THE LOWER HOUSE OF BURGESSES FOR SAID PROVINCE IN GENERAL ASSEMBLY MET—

We the Subscribers Inhabitants of the County of Rowan members of the established church of England labouring under many bur-

dens in mind and body, both for ourselves and children, in having no Gospel ordinances among us, until your Excellency was (out of your wonted goodness) pleased to appoint the Reverend Mr. Drage clerk Rector of this our parish of S<sup>t</sup>. Luke, we humbly pray the further assistance of your goodness in getting a Vestry and that John Ford, John Kimbrough, Morgan Bryan, James M<sup>c</sup>Coy, William Fields, Samuel Bryan, George Magoun, John Cowan, Roger Turner, Evan Ellis, William Giles and William Cowan Sen<sup>r</sup> may be appointed to serve as Vestrymen until there shall be an act of Assembly passed for choosing a Vestry, on the same footing as in England and put it out of the Dissenters power to evoke the Law and thereby prevent there being of a Vestry.

And your Petitioners in duty bound will ever pray.

[Signed by upwards of two hundred.]

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[N. C. LETTER BOOK S. P. G.]

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A Letter from the majority of those who were set up for Vestry men by the members of the Church of England, but the Dissenters List had the greater number of Votes.

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, GOVERNOR, CAPTAIN GENERAL AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA.

Your Excellency was kindly pleased to recommend to the Vestry of S<sup>t</sup>. Lukes parish the Reverend Mr. Drage, we, being the majority of the second List voted for Vestry members of the Church of England, therefore in compliance with your Excellencys indulgence, Do certify that the Reverend Mr. Drage doth daily give us infinite satisfaction in his sacred calling, and his situation as he informs us, is agreeable to him, and do humbly pray that you will give him Letters of Presentation and Induction to our Parish which will be the most agreeable indulgence your Excellency can possibly confer upon us.

[Signed by seven, the rest not being in Town.]

## [FROM THE COURT RECORDS OF ROWAN COUNTY.]

NORTH CAROLINA } November Term—Inferior Court of Pleas and  
Rowan County } Quarter Sessions

Francis Lock High Sheriff of the County of Rowan to the County  
Tax for the year 1766

	Dr		Cr
1766 To 3059 taxes for the year 1766 @ 1s each -----	£152 19	By 1833 delinquents viz Insolvents insurgents mob and such who re- fuse to pay their tax and rescue on distress- 1s each -----	£ 91 13
To 66 supernum- erary taxes re- ceived -----	3 6	By my commission on £616 collected from 1226 taxes 8 pr ct----	4 17 7
	£156 6	By my claim for extra service-----	10
		By cash in full of the balance due the Coun- ty of Rowan-----	46 85
			£152 19
		By cash for supernum- erary taxes received-	3 6
			£156 5
		By further payments of County Claims of which the s <sup>d</sup> County is debtor to s <sup>d</sup> Francis Lock-----	£37 81 10

Francis Lock Esq late Sheriff of the County of Rowan for the  
year 1766 came into open Court four justices being present and  
produced a settlement of the taxes of said county for the year last  
mentioned and made oath as the law directs that the 1833 persons  
mentioned in the above account were delinquents insolvents or  
insurgents Mob or such who generally refuse to pay their taxes and  
rescue on distress and that he hath received 66 supernumerary

taxes for the year aforesaid which said amount stands as above stated was allowed to be just & full settlement for the said High Sheriff for the taxes of the County aforesaid for the [year] 1766

Certified by                      JOHN OLIPHANT  
    W<sup>m</sup> SPURGIN  
    W<sup>m</sup> TEMPLE COLES  
    HUGH JENKINS  
    JACOB BONNER

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[FROM THE ROWAN COUNTY COURT RECORDS.]

\*            \*            \*            \*            \*            \*            \*  
 Francis Lock Esq late Sheriff for the County aforesaid for the year 1765 came into open Court four justices being present & produced a settlement for the said County taxes for the year last mentioned & made oath as the law directs that the 292 persons first mentioned in the above account were such as were either twice listed or who were since run away and that the 838 delinquents as second mentioned were either insolvents or insurgents Mob or such who refuse to pay their taxes and who rescue on Distress and that he hath rendered thirty four supernumerary taxes for said year which said account as it is stated was allowed to be a just and fair settlement of the said High Sheriff for the County Taxes for the year 1765

\*            \*            \*            \*            \*            \*            \*  
 Whereas Wayhtstill Avery Esquire a Practicing Attorney thro' the whole of his practice before us in our sessions has given us convincing proof of his honesty and ability, ordered by the Court that he be recommended to his Excellency the Governor for a Superior Court License that his probity and capacity may become more extensively useful to the publick

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[B. P. R. O. AMERICA & W. INDIES. VOL. 216.]

TO THE RIGHT HON<sup>ble</sup> EARL OF HILLSBOROUGH, ONE OF HIS MAJESTYS PRINCIPAL SECRETARYS OF STATE.

The Petition of Benjamin Heron Deputy Secretary of the Province of North Carolina

Humbly sheweth

That about two years ago, your memorialist having received orders from His Excellency Gov<sup>r</sup> Tryon, in consequence of His Majestys



Commands, signified to him by the Earl of Shelburne, to Form an Abstract of the Lands granted in the Province of North Carolina, and to transmit the same to your Lordships Office;—And that your memorialist shou'd Hire and Employ Clerks and permit them to have recourse at all times to the Records of the said Province, and assist himself, to Facilitate and Compleat the same as soon as possible. Your Memorialist having with great Trouble and Expence finish'd the said Lists of Abstracts, and deliver'd them into Your Lordships Office, together with the Expence attending the same—Humbly Prays, Your Lordship will oblige your Memorialist in giving Directions, that He may be Repay'd the money in England He advanced for that Service, together with such allowance Your Lordship may think proper for His own Trouble, and your Memorialist will Ever Pray—

BEN<sup>n</sup>. HERON.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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By the Lower House of Assembly of the Province of Maryland  
November Session 1769

Resolved unanimously, That the Representatives of the Freemen of this Province, in their legislative Capacity, with the assent of the other part of the Legislature, have the sole right to lay Taxes and Impositions on the Inhabitants of this Province, or their Property and Effects; and that the laying, imposing, levying, or collecting, any Tax, on, or from the Inhabitants of Maryland, under Colour of any other Authority, is unconstitutional, and a direct Violation of the Rights of the Freemen of this Province.

Resolved unanimously, That it is the undoubted Privilege of the Inhabitants of this Province to Petition their Sovereign for Redress of Grievances, and that it is Lawful & Expedient to procure the Concurrence of his Majesty's other Colonies in dutiful Addresses, praying the royal Interposition in Fayour of Violated Rights in America.

Resolved unanimously, That all trials for Treason, Misprision of Treason, or for any Felony or crime whatsoever committed or done in this Province, ought of right to be had and conducted in and before the Courts of Law held within this Province according to the fixed and known course of Proceeding; and that the Seizing any

Person, or Persons, Suspected of any Crime whatsoever, committed in this Province, and sending such Person, or Persons, to Places beyond the Sea to be tried is highly derogatory of the Rights of British Subjects, as thereby the Inestimable Privilege of being tried by a jury from the Vicinage, as well as the Liberty of Summoning & producing Witnesses on such Trial, will be taken away from the party accused.

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[FROM N. C. LETTER BOOK S. P. G.]

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Letter from Mr Stewart to the Secretary.

NEWBERN N. Carolina, Dec<sup>r</sup> the 6<sup>th</sup> 1769.

REVEREND SIR,

My last to you was forwarded by Mr Blinn a Gentleman that went home in July last with Letters recommendatory from Governor Tryon to the Bishop of London for orders since which time very little could be done in our way in the Eastern parts of this Province, for on the 7<sup>th</sup> of Sept<sup>r</sup> at night we had the most violent Gale of wind and the highest tide that has ever been known since this country has been inhabited. The tide rose in a few hours at my house 12 feet higher than I ever before knew it, and the wind blew so violent nothing could stand before it: Every Vessel, Boat or Craft were drove up in the woods and all the large Oaks, Pines &c<sup>a</sup>, broke either off or torn up by the roots, Our Indian Corn (which was not quite ripe, and which is the common Bread of the country) was mostly destroyed and in many places together with the Cattle, Sheep, Hogs &c<sup>a</sup> washed quite away. But no place has suffered so much as this Town of Newbern, one entire Street, Houses, Store Houses, wharves &c., to the amount of near £20,000 pounds were destroyed and swept off together with several of the Inhabitants in a few hours time. The roads were impassable for several weeks by reason of the trees fallen and the Bridges carried away and so great is the scarcity of small Boats at the Ferries &c that the people cannot travel nor attend the places of public Worship as usual. The damages have been great in many other provinces. But no parts that we have heard of have suffered any thing equal to the country on Pamlico and Neuse Rivers being in Mr Reed's parish and mine.

I had the misfortune to have one of my Legs much hurt the night of the storm in endeavouring to save some of my Houses. By neg-

lect and by the rheumatic humour in that Leg, I am once more here under the Doctors hands, but hope it will be of no long continuance as I have been obliged to have had my Foot laid open which has relieved me in some measure, and put me in a good way of recovery. My private losses in the Hurricane in Houses and Stores in this Town, and at my plantation is upwards of £600.—this currency, and I question whether these lower Inhabitants will ever get over it these seven years. I am Reverend Sir — Yours &c

ALEX<sup>r</sup> STEWART.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

### COUNCIL JOURNALS.

At a Council held at Brunswick 15<sup>th</sup> December 1769,

Present,

His Excellency the Governor,

The Honble	{	James Hasell	William Dry	}	Esquires
		Lewis DeRosset	and		
		John Sampson	Robert Palmer		

Read the petition of sundry Inhabitants of Mecklenburg County setting forth that they are settled on a tract of Land belonging to the late Governor Dobbs, by deeds of Conveyance from the said Governor, and that they apprehend the Receiver General in behalf of his Majesty hath power to distrain for the whole of the Quit rents due to the Crown on the said Tract of Land, on their possessions seperately or collectively, and as they apprehend a large debt is due on that account, it must end in their utter ruin should the Receiver General put such power into execution, and praying that the Board will take the same into consideration.

It is the opinion of this Board, that the several Inhabitants settled on Mr Dobbs Tract of Land may be received as Tenants under the Crown and chargeable with only the Quit Rents due to the Crown for the quantity they have titles for under the said Governor, they paying Quit Rents from the time the same accrued thereon to his Majesty; And that the Receiver General have a copy of this opinion

Ordered that the following gentlemen be added to the Commission of the Peace and *Delimus* for the undermentioned Counties, Viz<sup>t</sup>.

Tryon—John Earls and John Prince.

Brunswick—Barrington Moore, Isaac Marion, Rich<sup>d</sup> Quince, Jun<sup>r</sup>, Parker Quince and Samuel Dwight.

Duplin—William Ball.

Also Ordered that the Chairman of the said Courts be directed to insert the names of the above mentioned gentlemen in the Commission of the peace and *dedimus* for the said Counties in open Court, in the order they now stand.

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At a Council held at Brunswick 16<sup>th</sup> December 1769.

Present

His Excellency the Governor

The Honble	{	James Hasell	William Dry	} Esquires
		Lewis DeRosset	and	
		John Sampson	Robert Palmer	

The Honble Lewis DeRosset Esq<sup>r</sup> laid before the Board an order from His Majesty in Council dated at the Court at St. James the 28<sup>th</sup> June 1769 remitting all arrears of Quit rents due by Alexander M<sup>c</sup>Culloch Esq<sup>r</sup> on his tract of 12,500 Acres of Land, Lying on the Branches of Johnston and Peedee rivers, and by him surrendered to the Crown the 15<sup>th</sup> December 1767.

Ordered that His Majestys said order in Council, be recorded in the Secretarys Office, — and that the Receiver General have notice thereof and govern himself accordingly.

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At a Council held at Brunswick 18<sup>th</sup> December 1769.

Present

His Excellency the Governor.

The Honble	{	James Hasell	William Dry	} Esquires
		Lewis DeRosset	and	
		John Sampson	Robert Palmer	

The Honble Lewis DeRosset Esq laid before this Board on behalf of John Rutherford Esq<sup>r</sup> Receiver General (who is so unwell as not to be able to attend) several papers relative to His accounts of His Majesty's Revenue with his Memorial in the following words, Viz<sup>t</sup>,

TO HIS EXCELLENCY THE GOVERNOR IN COUNCIL —

In obedience to your Excellency's orders in Council bearing date the 10<sup>th</sup> November last, to lay before you the amount of His Majesty's Revenue of Quit Rents which were last audited; also the Account of Receipts and payments since that period; together with

the names of the persons employed as my deputies in the several Counties in His Majesty's districts.

The last account audited by the deputy Auditor, was that ending the 25<sup>th</sup> March 1766; (a copy was delivered to your Excellency) gross amount thereof £3,236 12s. 8½d. proclamation money; which account was not finally passed before June 1768, — On the 23<sup>rd</sup> of June 1768, was delivered to the Deputy Auditor a new account ending the 25<sup>th</sup> March 1768, gross amount thereof £3,130 13s. 6½d. proc. money as p. his original Receipt for the vouchers of the said Account at the foot thereof, herewith produced N<sup>o</sup> 8 — This last account is not passed, but as this Receiver believes was carried to England by the Deputy Auditor in August last, with the view to know whether such Account ought to be passed on account of several material objections he had to make thereto, which he apprehended would make it necessary the same should be laid before the Honble The Lords of the Treasury, for their allowance or disapprobation before the Auditor General would give any directions relative thereto, particularly with regard to the charges of Lawyers fees, Expresses, Copies of Wills and Deeds &c; till such time as their Lordships, and the Honble and Reverend the Auditor General make known their pleasure thereupon, this Receiver cannot know how to make up his next account — If agreeable to Opinion of Council in England (copy herewith delivered with the Lawyers and Clerks accounts N<sup>o</sup> 5) and contrary to the opinion of the Courts here; Their Lordships should also be of opinion that lands belonging to Persons alive or dead, in or out of the Province, are liable for His Majesty's Quit Rents, and all charges &c. This Receiver can have no other plea, but submit to their Lordships, that their charges No<sup>o</sup> 5 — accrued in consequence of Governor Dobbs' Orders in Council, and particularly (as well before as since) in June 1764; when the late Governor Dobbs threatened to complain to the Lords of Treasury, if this Receiver did not oblige the people to pay their Quit rents, and find him money to run the boundary Line with South Carolina, agreeable to their Lordship's Warrant: In consequence of which and of the Governor's Warrants, this Receiver paid the sum of £742 7s. proclamation money — That Account being long ago passed, this Receiver should not have taken notice of, if in consequence the charge for Lawyers fees in his last account, and the charges to be made in his next account for clerks fees, for one execution is now out at the suit of Samuel Johnston Esq<sup>r</sup> to be paid immediately — And now suits pending for Lawyers

and Clerks fees (N° 6) also for money due by the Crown to the Administrators of the Estate of the late Richard Spaight, late Secretary of the Province; upon a certificate of Mr Heron as Deputy Auditor. I believe so much was due for services to Mr Spaight but cannot admit that so much is due by the Crown on Ballance, because to this Receivers knowledge Mr Spaight took up a great deal of Lands for which no Quit Rents have been paid to him. If Mr Heron's Certificates are to be allowed as sufficient evidence against the Crown, there are Certificates signed by Captain Heron to the amount of £12,000 sterling, which he will not admit as Vouchers in any accounts, otherwise than the Terms of his original Agreement of the 12<sup>th</sup> January 1763, herewith produced (N° 10) — In consequence of which these Orders of Mr Hasells (in my hands) are charged in my accounts, and many other orders remain to be produced by my Deputies in consequence of the same agreement — This Receiver has neither seen or received other Accounts than these two produced (N° 1 and 2) — As soon as he is able he will endeavour to have all the other accounts settled and paid; Four of his former Deputies are sued, others that do not settle and pay will also be sued — The Deputy Auditor has repeatedly told this receiver that he would not pass the Receipts N° 3 and 4 in this Receivers Accounts, tho' both paid with his knowledge and consent, nor the Clerks' N° 5 and 7 — The Extracts from the Secretary's and Register's Offices are lodged in the Secretary's Office (N° 11) concerning which your Excellency will give such orders as you think proper.

N° 12 is a copy of a paper given to B. Heron Esqr as Deputy Auditor for information on his going to England.

N° 13 is three accounts, Viz', One for Salisbury Superior and one for Salisbury Inferior Court, and one for Pitt County from the year 1763 to the year 1768, that have come to this Receivers hands, agreeable to your Excellencys Orders about eighteen months ago, to the Clerk of the Crown to deliver to this Receiver the Accounts of Fines and Forfeitures laid in all the Courts in this Province from 1763 to 1768.

Mr M<sup>c</sup>Guire present Attorney General has a deputation to receive the fines and forfeitures. The Attorney General and Chief Justice have both declined receiving the fines and forfeitures in whole or in part of their salaries.

The Attorney General has told this Receiver that he will account for what he does receive (tho' not in payment of his Salary) or will

bring suit as this Receiver may direct him; without an Account of them from the Clerk of the Crown, it is impossible for this Receiver to give any directions about fines or forfeitures, All which is humbly submitted by —

Your Excellencys

Most H'ble servant

JOHN RUTHERFORD

Cape Fear 13<sup>th</sup> December 1769.

It is the opinion of this Board that the state of the Receiver Generals Account now produced is too imperfect to be transmitted home (which may be occasioned by his ill state of health) His Excellency therefore Orders that the Receiver General lay before him at the next Court of Claims a full and perfect Account of his Collection of His Majestys Revenue, with copies of the same attested and fairly transcribed in order to be transmitted home, and to produce the proper vouchers relative thereto—And that the Receiver General have a copy of this Order.

[B. P. R. O. JOURNALS. B. T. VOL. 77.]

#### BOARD OF TRADE JOURNALS.

At a Meeting of His Maj. Comm<sup>rs</sup> for Trade & Plantations

Tuesday April 4<sup>th</sup> 1769

Present

M<sup>r</sup> Jenyns,

M<sup>r</sup> Roberts

M<sup>r</sup> Fitzherbert,

Lord Lisburne

[P. 67.]

Several papers communicated to the Board by the Earl of Hillsborough pursuant to His Maj. Commands were read and considered—Viz: Letter from Gov. Tryon to the Earl of Hillsborough dated Brunswick No. Carolina 10<sup>th</sup> Jan<sup>ry</sup> 1769 containing his observations on sundry Acts passed in North Carolina during the last Session of Assembly

[P. 82.]

Tuesday April 18<sup>th</sup> 1769

Read a letter from Henry Eustace M<sup>c</sup>Culloh Esq. dated 14<sup>th</sup> April 1769 desiring in behalf of the Province of North Carolina and of

the Merchants of the Out Ports of Great Britain to suspend any application of the Merchants of London relative to the proposed regulation upon the importation of pitch tar and turpentine from the Colonies

Ordered that the said letter be taken into consideration when M<sup>r</sup> M<sup>c</sup>Culloh shall produce any testimonials of his being authorized to act in this Business either as Agent for the Province of North Carolina or for the Merchants of the Out Ports of Great Britain.

[P. 190.]

Wednesday December 6<sup>th</sup> 1769

The following letters & papers received from the Earl of Hillsborough's Office were laid before the Board viz:—

[P. 234.]

Letter from Gov. Tryon—No. 7. to the Earl of Hillsborough 25<sup>th</sup> Oct. 1768 relating to the steps taken to defeat the designs of the Insurgents in the Back Country

Letter from Gov. Tryon—No. 12—to the Earl of Hillsborough 15<sup>th</sup> Dec. 1768 on the emission of a paper currency the murder of M<sup>r</sup> Odgers—support of the Commiss<sup>rs</sup> of the Customs—M<sup>r</sup> Crawford's resignation of his seat in the Assembly and the collection of Quit Rents.

Letter from Gov. Tryon—No. 10. to the Earl of Hillsborough 12<sup>th</sup> Dec. 1768 relative to a division line between North & South Carolina

Extract from Lord Chas. Grenville Montagu's letter to Gov. Tryon 29<sup>th</sup> Nov. 1768

Copy of a sketch sent by his Lordship to Gov. Tryon

Copy of letter from Gov. Tryon to his Lordship 11<sup>th</sup> Dec. 1768

Letter from Gov. Tryon—No. 13. to the Earl of Hillsborough 24<sup>th</sup> Dec. 1768 relative to the cause of the disorders in the Province and the measures taken for restoring tranquility

Letter from Gov. Tryon, No. 14, to the Earl of Hillsborough 26<sup>th</sup> Dec. 1768 on the pay of the Troops assembled at Hillsborough to preserve the public peace

General Return of the Troops assembled under his Excellency's command 22<sup>d</sup> Sept. 1768.

An estimate of the charges allowed by the Assembly for paying the Troops &c<sup>a</sup> at Hillsborough



Letter from Gov. Tryon to Richard Phelps Esq 15<sup>th</sup> Dec. 1768 acknowledging the receipt of letters from him

Letter from Gov. Tryon — No. 18 — to the Earl of Hillsborough 12<sup>th</sup> Jan<sup>y</sup> 1769 relative to the House building for the Governor at New Bern and requesting furniture & plate for it from His Majesty

Account of the Chimney piece for the Council Chamber in the Gov<sup>rs</sup> house at New Berne

Letter from Gov. Tryon — No. 19 — to the Earl of Hillsborough 15<sup>th</sup> Jan<sup>y</sup> 1769 transmitting

Minutes of Council 4<sup>th</sup> June to 21<sup>st</sup> June 1768, 15<sup>th</sup> — 23<sup>rd</sup> Dec. 1768 & 28<sup>th</sup> Nov. — 23<sup>rd</sup> Dec. 1768

Letter from Gov. Tryon — No. 21 — to the Earl of Hillsborough 10<sup>th</sup> Feb. 1769 on the rejection of a resolve of the two Houses of Assembly and on a Bill for the encouragement of an Iron Manufactory

Letter from Gov. Tryon — No. 22 — to the Earl of Hillsborough 11<sup>th</sup> Feb. 1769 containing remarks on a list of Patents.

Land Office Patents granted at Dec. Court of Claims 1768

Minutes of Assembly 7<sup>th</sup> Nov — 5<sup>th</sup> Dec. 1768

Letter from Gov. Tryon — No. 23 — to the Earl of Shelburne 25<sup>th</sup> Feb. 1769 relative to his not obtaining from the Assembly a provision of powder & lead — to the appointment of an Agent and a petition for a new emission of paper currency

Letter from Gov. Tryon — No. 24 — to the Earl of Hillsborough 27<sup>th</sup> February 1769 transmitting

An account of money paid into the Treasury on the sinking fund & burnt and an estimate of monies emitted from 1754 to 1768.

Letter from Gov. Tryon — No. 25 — to the Earl of Hillsborough 31<sup>st</sup> March 1769 promising not to communicate letters or extracts of letters from the Secretary of State and to follow his Lordship's directions in recommending the nomination of an Agent.

Letter from Gov. Tryon — No. 26 — to the Earl of Hillsborough 24<sup>th</sup> April 1769 on the state of defence of the Province of North Carolina

Return of Artillery & Stores at Fort Johnston 4<sup>th</sup> Feb. 1769.

Letter from Gov. Tryon — No 27 — to the Earl of Hillsborough 25<sup>th</sup> April 1769 relating to the list of taxables, the disturbances in the Back Country and the weather in North Carolina

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Return of the List of Taxables in North Carolina for the years 1766 & 1767, Observations on the Thermometer in July August & September 1768

Letter from Gov. Tryon—No 30—to the Earl of Hillsborough 31<sup>st</sup> May 1769 transmitting a list of Patents granted by Gov. Tryon May 1769

Letter from Gov. Tryon—No 31—to the Earl of Hillsborough 27<sup>th</sup> May 1769 relative to regulations & establishments for the better collections of His Maj. Quit Rent. Scheme proposed by the Gov<sup>r</sup> for the forming of a rent roll and the obtaining of a regular collection of His Maj. Quit rents in the province of No. Carolina. Letter from John Rutherford Receiver Gen<sup>l</sup> of the Quit Rents to Gov. Tryon 19<sup>th</sup> Jan<sup>r</sup> 1769.

Letter from Benj. Heron Deputy Auditor of No. Carolina to Gov. Tryon 25<sup>th</sup> Jan<sup>r</sup> 1769.

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## 1770.

[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough,

BRUNSWICK the 1<sup>st</sup> January 1770.

Mr Murray and Mr Brice Dobbs having vacated their seats by their long absence out of the province, I beg leave to recommend the three following gentlemen for his Majestys nomination. Mr Marmaduke Jones, Mr Chief Justice Howard, and Mr Samuel Cornell, Mr Jones I appointed Attorney General on the death of Mr Robert Jones late Attorney General, and recommended him to the Earl of Shelburne as a gentleman of the first eminence at the bar here, and well qualified to fill that office. He possesses a genteel and easy fortune, and his abilities I am persuaded will be serviceable in Council. Mr Chief Justice Howard's attachment to his Majesty's government, his knowledge in business and the dignity of his office make him a useful member of Council, Mr Cornell is a merchant of the first credit and fortune in the province, a native of New York, about forty years of age, of a very genteel and public spirit; as an evidence of the latter, he lent me, for the use of the public, six thousand pounds proclamation money to carry on the governors house at Newbern,

without whose assistance the building must have been greatly retarded. These three gentlemen have signified their willingness to obtain the honor of taking a seat in his Majestys Council. In the year 1766 I mentioned Mr Thomas Lloyd and Mr Samuel Swann as proper persons to sit in Council, the former has lately acquainted me his practice in phisick would too much interfere with his duty as a Counsellor, therefore declines being again recommended, and the latter may now be too far advanced in years to attend the laborious duty of a Counsellor of this province, especially as I understand he is retiring from the practice of the bar. Mr Eustace McCulloh has been with one years leave from me, more than two years absent from the province. As he is now appointed Agent, I presume he will procure his Majestys leave, if he choose to continue in Council, as well as to apply to the Lords of the Treasury for further leave from his office as collector of Port Roanoke in this province. Mr Heron and Mr Strudwick I expect will return next summer, for at present there are but seven gentlemen of the Council in the province.

The conduct and management of the collection of his Majestys Quit Rents in this country, have always been accompanied with irregularity and uncertainty, nor can I see a possible prospect of better order established until the Auditor, as in Virginia, gives annually a list of the names of the patentees and occupants of lands to the Receiver General, for his direction, as a Rent Roll, This is submitted in the plan I have already sent home for a reformation in the management and receipt of his Majestys Quit Rents, the accomplishment of which end will require length of time great integrity and diligence in the officers employed.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to the Earl of Hillsborough.

BRUNSWICK the 1<sup>st</sup> January 1770.

I am to acknowledge the honor of your Lordship's duplicate N<sup>o</sup> 27 received the twenty eighth of November last. The original and duplicate of 26 and original of 27 are not yet come to hand.

I entirely subscribe to your Lordship's reasonings with respect to the necessity of the Colonies providing for their own security by keeping their fortifications in repair and making the necessary pro-

visions for ammunition for his Majesty's service and the defence of the province; but was mortified to find by their address that the argument on which they founded their refusal was the reason why they ought to have granted an aid for that service. I understand a great objection to a Tonnage Bill proceeds from an unwillingness to tax vessels owned in the country. By his Majesty's instruction N° 32 a most equitable rule, I am directed not to give my assent to any law wherein the inhabitants of North Carolina are put on a more advantageous footing than those of Great Britain &c. This prevents my passing a Bill, making a distinction, and probably the acquisition of a partial Tonnage Bill.

The country continues in extreme want of a larger medium of trade. When his Majesty shall think fit to grant the Assembly's petition for a new emission of Currency it may be thought expedient that a stipulation be made in the grant that the paper currency now in circulation big with mischiefs from its counterfeits should cease to be a legal tender within a limited time after the emission of the new, and be bought up by the treasurers with the new currency in order to be destroyed.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to the Earl of Hillsborough.

BRUNSWICK the 8<sup>th</sup> January 1770.

In this letter permit me my Lord to desire your acceptance of my very sincere acknowledgements for the honorable manner you bore testimony of my public services when you presented my letter N° 34 to the King. As I do not find you had anything in command to me from his Majesty on the occasion, I must consider my future prospects in public character lodged in my royal masters breast. The conscious happiness that flows to my mind from a due discharge of my duty does not surpass the gratitude that warms my heart in the service of my King.

I must confess the proceedings of the last Assembly have wounded my sensibility and being dangerously ill at the time their conduct took advantage of the then weak state of my mind, and for that reason perhaps has made the deeper impression upon it. I wish I could say with Lord Botetourt that my prospect brightens. Confidence, my Lord, that delicate polish in public transactions, has

received an ugly scratch, and I fear we have no artists here who can restore it to its original perfection.

I am in expectation by the end of the present year to compleat the house building at Newbern for the Governor for the time being, after which I shall loose no time in laying before the General Assembly the accounts for the disbursements of the money voted and entrusted to my care for the purpose.

As soon as that business is accomplished I greatly wish to obtain his Majestys leave of absence from the province (unless my services could be acceptable to his Majesty in the government of New York) I must therefore beg your Lordship will lay my humble request before his Majesty that I may obtain his most gracious indulgence to return to England for one year in spring twelve months. Many circumstances induce me to request such indulgence this ensuing summer, but the consideration of leaving an open account of fifteen thousand pounds currency between the public of this province and myself, carry too much weight and consequence to my family for me to harbor a thought voluntarily to cross the Atlantic before such accounts are finally adjusted.

With the highest sense of your Lordships friendly disposition towards me, and of the generous ardor with which you promote the interest of those for whom you profess esteem

I am My Lord &c<sup>a</sup>

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[B. P. R. O. AMERICA & WEST INDIES. VOL. 217.]

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Letter from Earl Hillsborough to Governor Tryon

WHITEHALL January 18<sup>th</sup> 1770.

SIR,

Your Dispatch of the 22<sup>d</sup> of November N<sup>o</sup> 39, containing an account of what passed on the meeting of the General Assembly of North Carolina on the 23<sup>d</sup> of October, and of your having dissolved them in consequence of the very extraordinary proceedings of the lower House, was received yesterday and immediately laid before the King.

It has given His Majesty great concern that His Colony of North Carolina whose Conduct has hitherto been so decent & moderate, and distinguished by its respect for the supreme Legislature of the British Empire, should have been induced by the ill example of its

neighbours to adopt and concur in Measures and Resolves so unbecoming and unwarrantable.

There are many Circumstances which give but too just Ground to apprehend that these Violences do not arise merely out of the force of example, but are the effect of a false, and, I am justified by a discovery made in one of the Departments in which I serve, in saying, treacherous Misrepresentations, and Letters of Encouragement from this side of the Water.

These wicked and factious designs will however I hope soon cease to have their effect, and that it will not be long before the Colonies see more clearly how severely their Interests are prejudiced by suffering their conduct to be influenced by such artifices.

With this hope it is that His Majesty at the same time that he thinks the Dissolution of the Assembly was a Measure which their own Intemperate Behaviour rendered unavoidable, does intend that it shall not operate to interrupt such necessary business of the Colony as depends upon the full exercise of Legislative Powers, and therefore I am commanded to signify to you His Royal Pleasure that you should as soon as it may be necessary and convenient issue Writs for a new Election of Representatives to meet at such time as you shall with the advice of the Council think most proper, at which time you will be cautious of saying more to them in your Speech than will be necessary to express your Resolution to concur in all such Measures as may best promote His Majesty's service and the Interests and happiness of his People under your Government.

Inclosed I send you the King's Gracious Speech to His Parliament at the opening of the Session on the 9<sup>th</sup> Instant together with the Address of both Houses and His Majesty's Gracious answers thereto.

The King having thought fit to take the Great Seal out of the hands of Lord Camden it was yesterday delivered to M<sup>r</sup> Charles Yorke, and it is His Majesty's intention that he should be immediately called to the House of Lords.

I am &c<sup>a</sup>

HILLSBOROUGH.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Letter from Henry E. McCulloh to Col. John Harvey.

LONDON 26<sup>th</sup> Jan<sup>ry</sup> 1770.

DEAR SIR,

A letter from M<sup>r</sup> Pryor acquaints me, of the dissol<sup>n</sup> of your late Assembly & of my appointment as Agent. I am pleased to think

the Assembly had virtue to *deserve* the first event; & I am sensible I am greatly to thank *you* for the second: — It shall be my duty to deserve the Confidence I have been hon<sup>d</sup> with, and I cannot but be pleased that in my person, the unjustifiable claims of a Gov<sup>r</sup> & Council to a *negative*, has been defeated. Excuse me at present in saying, that I can only write to assure you of the warm & grateful sentiments I have for you. I am truly infinitely hurried, and not well, but I could not omit my Acknowledgments to you, — My next, & very shortly, shall be a folio, and inclose you sundry of our political points, together with the substances of the debate of the first day of the Session, which my memory carried off, and I have since committed to Writing. — I must give you a word or two of politics. — Lord Cambden's being turned out, he has disgusted every body — and Mr York (by his death) has given an universal satisfaction which was never expected from him. — By the Speech, Addresses, and Answers, you may judge of that Infatuation which seems still to prevail in our Councils as to America; — the Kings Governm<sup>t</sup> is to be supported you see. — The Acts of the 7<sup>th</sup> of the present King are to be repealed as anticommercial (what could be more so, as Lord North said in the House, than to tax the articles of our exportation? they did not know this last Session, — To find it out this must be the work of Inspiration — Absurd!) — but the dignity of the Gov<sup>t</sup> must be enforced; — to that purpose, some Acts of a most novel & unhappy Tenor, I fear will pass, — principally to affect your associations. — I fear all application for a Currency to be made a Tender, will be in vain, — Lord H——h is your bitter enemy there, — & he is Secretary of State you know, for America. Ministry have nothing to fear within the Walls of Parliament, — & nothing but a general rising will in my opinion, produce a change of Administration, — & I must confess I have no great opinion of the spirit of this beef-eating Nation. — There is an attempt to reduce part of the present bounty in Tar, of which Capt. Hardy when he arrives, can give you a full acco<sup>t</sup> — also a scheme to obtain a high bounty on staves, lumber & plank, which shall not want my best spirit to defeat the one, & bring about the other.

I am sorry to tell you<sup>r</sup> that Maj. Hazlewood is in such miserable *skulking* Circum<sup>s</sup> that I fear I shall not be able to do anything for your friend, — I will be attentive, & if any opp<sup>y</sup> offers, will immediately seize it. — To sue him, as things are would only be to provoke Expende. — One Tye severed, & I return with pleasure to my

friends in Carolina,—I give it you under my hand, that I shall ever reckon it an honor & pleasure, & high advantage to reckon you in that number.

Be so good as to accept my sincere wishes for the Happiness of yourself and family. Hearing from you will at all times give me great pleasure;—I have the satisfaction of hearing of your health from Jimmy Iredell, who I hope will study to deserve the favors he meets with. I conclude for the present, with great truth Dear Sir

Your obliged & most ass<sup>d</sup> hble ser

HENRY E. M<sup>c</sup>CULLOH.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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CAPE FEAR Jan<sup>y</sup> 27<sup>th</sup> 1770.

As I know you can't say your catechism, I will just inform you, that in the second Commandment it is laid down as a certain Truth, that the sins of *Fathers* are visited on their Children for three or four Generations: Among the omissive sins of mine; that of having neglected to provide for me in my youth, a competent writing master, is one, the consequence of which is, writing, is the most painful Exercise to me in the world; you are therefore to consider this Letter (Business being the object of it) as a strong mark of my Esteem for you. — M<sup>r</sup> Bodley (who is now waiting for this Epistle) has been so obliging as to spend some Days with me, he is, I think, a very respectable Gen<sup>t</sup> and highly merits the friendly regard of every good man. Does it not lie in your way to lend him an assisting hand in his Difficulties? if it does, to do so, would be to act a part worthy of y<sup>r</sup> self. — I shall conclude with requesting the Favor of you to Dress yourself in the best manner your want of Taste in that science, will permit, and after scraping your Politest Bow, present my best respects to the good Ladies & Gen<sup>ts</sup> of Edenton.

I am D<sup>r</sup> Sir with Truth

Your most ob<sup>t</sup> hum Serv<sup>t</sup>,

M. MOORE.



[FROM N. C. LETTER BOOK, S. P. G.]

Letter from Governor Tryon to the Vestry of S<sup>t</sup> James Parish, New Hanover County.

BRUNSWICK 9<sup>th</sup> Feb<sup>ry</sup> 1770.

As the Reverend M<sup>r</sup> Wills (who has been long a resident among you) expressed desire of settling in your parish, I am to acquaint you that I propose to give him Letters of Presentation and Induction thereto. I should therefore be glad to learn from you Gentlemen whether there are any objections to M<sup>r</sup> Wills in the duties of his sacred office.

I am &c,

W<sup>m</sup>. TYRON.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

An Aggregate of the Number & Tonnage of Vessels which have Entered in the Port of Beaufort between 8<sup>th</sup> Sep<sup>t</sup> 1767 and the 5<sup>th</sup> January 1770.

YEAR	QUARTER.	N <sup>o</sup>	TONNAGE	YEAR	QUARTER.	N <sup>o</sup>	TONNAGE
1767	From 8 <sup>th</sup> Sep <sup>t</sup> to 10 <sup>th</sup> October following,	6	202	1767	From the 8 <sup>th</sup> Sep <sup>t</sup> to 10 <sup>th</sup> Oct <sup>r</sup> following,	5	280
	10 Oct to 5 Jan <sup>y</sup> 1768	25	606		10 Oct <sup>r</sup> to 5 Jan <sup>y</sup> 1768	24	764
1768	5 <sup>th</sup> Jan <sup>y</sup> to 5 <sup>th</sup> April following-----	38	1273	1768	5 <sup>th</sup> Jan <sup>y</sup> to 5 <sup>th</sup> April--	38	1226
	5 April to the 5 July	32	1023		5 <sup>th</sup> April to 5 <sup>th</sup> July--	37	1256
	6 July to the 10 Oct <sup>r</sup>	32	826		5 <sup>th</sup> July to 10 <sup>th</sup> Oct <sup>r</sup> --	35	1014
	10 Oct <sup>r</sup> to 5 Jan <sup>y</sup> 1769	20	1210		10 Oct <sup>r</sup> to 5 Jan <sup>y</sup> 1769	11	350
1769	5 Jan <sup>y</sup> to 5 April---	43	1620	1769	5 <sup>th</sup> Jan <sup>y</sup> to 5 <sup>th</sup> April--	42	1849
	5 April to 5 July---	32	1308		5 <sup>th</sup> April to 5 <sup>th</sup> July--	40	1488
	5 July to 10 <sup>th</sup> Oct <sup>r</sup> --	33	1023		5 <sup>th</sup> July to 10 <sup>th</sup> Oct <sup>r</sup> --	29	1022
	10 Oct <sup>r</sup> to 5 Jan <sup>y</sup> 1770	21	818		10 Oct <sup>r</sup> to 5 Jan <sup>y</sup> 1770	22	682

L. G. BERRY Coll<sup>r</sup>.

Feb<sup>y</sup> 12<sup>th</sup> 1770.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to the Earl of Hillsborough.

BRUNSWICK the 20<sup>th</sup> February 1770.

When in Virginia last summer I applied to the Attorney General of that colony to furnish me with his thoughts on the subject of a Quit Rent Roll for this province, and a plan for the better collection of his Majesty's Quit Rents. That gentleman's dangerous and long illness prevented him from complying with my request while in Virginia, but has since obliged me with the plan he has digested, and also some forms for the offices in that department. All these I have the honor to transmit to your Lordship with a copy of Mr John Randolph's letter to me. From these lights with my letter N<sup>o</sup> 31 and its inclosures, I am persuaded materials may be drawn, from the whole, that will when carried into execution put the receipt of his Majesty's Quit Rents of this province, in a course of time, on as good a foundation as those in Virginia.

The plan referred to in the preceeding letters follows,

A few observations pointing out a Method for fixing the Payment of his Majesty's Quit Rents in the Province of North Carolina.

At a time when every phantom gives an alarm no law which appears to lay a restraint on property can I fear be made satisfactory to the people. This may throw an impediment in legislation to the giving validity to the measure proposed, tho' grounded on the most just and equitable principles. It will therefore be necessary to sooth the peoples apprehensions, by giving them some apparent advantages, and to point out in the preamble of the Act, in the most explicit terms, the reasonableness and justice of the regulation intended to be made. I mention an Act of Assembly, because I think no certain scheme can be formed for securing the payment of Quit Rents without the interposition of the Legislature.

The first object to be attended to is, the establishment of a method by which the possessors of lands may with certainty be known, so that a proper Rent Roll may be immediately formed and regularly kept up to the end of time. This Rent Roll will be a very necessary check on the collectors of the Quit Rents, whose accompts in general stand in need of the strictest examination. To effect this every land holder should be obliged to deliver in to some public

office an account of the lands he holds according to his patent or if he has no patent agreeably to the reputed boundaries and number of acres contained in the lands in his possession. This office for the convenience of the proprietors should be kept in each county. There can by no means be any danger of betraying the land holders into a discovery which may be prejudicial to them. This method has been frequently practiced in Virginia without murmur and without the least inconvenience arising from it.

All alienations of lands and probates of wills, are I presume registered or recorded in some public office. It ought to be the duty of the person to whose care these matters are committed to transmit within a limited time copies of all his entries to the Receiver General, or to some public office, to which the officers of the revenue may have resort. These copies should contain the names, surnames and additions of the parties, the consideration expressed, quantity and situation of the lands, when acknowledged or proved and recorded, with copies of all Wills and Testaments recorded in his office.

Where a man dies intestate, the person on whom the inheritance devolves, should be obliged to signify the descent to the Register of the County where the lands lye, containing a description of the same, as has been before mentioned. From hence a clear and distinct Rent Roll may be composed, and every fraud in the Collectors easily detected. The manner in which the Rent Roll is kept at our Auditors Office is here inclosed.

The next thing to be considered is, to oblige the tenant to pay his Quit Rents. Unless he is subject to some penalty, he may perhaps neglect or refuse to do that act of justice, and if he keeps nothing distrainable on the land there may be some difficulty and delay in procuring the payment. It would therefore be proper in order to make them punctual to render their lands liable to a forfeiture, where they are in arrears for a certain time unless sufficient effects are kept upon the premises, for the Collector to levy the Quit Rents by distress. The usual provisos should be made for saving the rights of infants &c. &c. who ought to be allowed a reasonable time for the performance of the conditions of their grants, after their incapacities are removed. Where a forfeiture is incurred the lands ought not to be absolutely resumed by the Crown, but granted to the first person who will inform and petition for the same, to whom patents should be granted in the same manner and upon the same terms, as

if the lands were recently taken up. This prospect of advantage will render the people watchful of one another, dispose the tenants to guard against an information and take off every supposition of rigor on the part of the Crown. *The last Object is the Conduct of the Collector.*

The progress of an action at law is so slow, and the length of time so great before it is brought to a decision, that it is frequently an encouragement to Collectors to retain the public money in their hands till they are compelled to do their duty in the usual legal form of proceeding. It seems therefore to be good policy, not only in the case of Quit Rents, but in every other instance whatsoever, to ordain a summary method, by which the officers of justice who have received money in behalf of others, should be obliged immediately to pay it to the person entitled to receive the same.

For the reason there can be no impropriety in authorizing the Superior Court in whose jurisdiction the delinquent Collectors reside, to receive a motion on the part of the Crown against them and their securities, to give judgment where it shall appear there has been a breach of duty and to award execution upon giving the parties some previous notice of such intended motion. This is done with us in Virginia and the business is conducted by the Attorney General upon information of delinquencies given him by the Receiver General.

In order to make these regulations set easy on the minds of the people, I think it would be advisable to obliterate all arrears of Quit Rents to a certain time, as near as to the commencement of the Act as possible that every idea of a prior forfeiture may be removed; and also to grant patents upon the usual terms to such as are in possession of the Kings lands, on their making an entry with the public Register as has been before mentioned, But these patents should by no means affect the rights and claims of other people

Nothing that has been mentioned, carries with it, in the point of view in which it appears to me, the least degree of oppression; but on the contrary it seems to me to be the highest act of justice, where protection is expected of the crown, punctually to discharge these acknowledgments which the King has reserved on the grants of his lands and which no man can think unreasonable. The cancelling the arrears must be a very advantageous proposal, as I understand that account is a pretty large one and the terms pro-

posed must be thought to be a reasonable accommodation between the Crown and the people

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[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF STATE.]

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MARYLAND February 26<sup>th</sup> 1770.

SIR,

A Copy of the resolutions of the House of Burgesses of the Colony of Virginia entered into the 16<sup>th</sup> of May last being sent to me by the Hon<sup>ble</sup> Speaker, was laid before the House of Delegates of this Province at their Session in November last who upon full consideration thereof were of Opinion they could not more clearly evince their approbation of the Conduct of the very respectable House of Burgesses of His Majestys ancient Colony of Virginia on so alarming an occasion than by readily and unanimously entering into resolutions of a Similar Nature — a Copy of which in obedience to their Order I now transmit to you — as I do to the Speakers of all the other Houses of Assembly on the Continent, and am with the greatest respect.

Sir Your most Obed Serv<sup>t</sup>,  
 ROB<sup>t</sup> LLOYD, Speaker

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Letter from Judge Maurice Moore to Governor Tryon.

SALISBURY March 13<sup>th</sup> 1770.

SIR,

The Sheriffs of the several Counties of this District complain heavily of the opposition to them in the execution of their office, by the People who call themselves regulators; I am told there is no such thing as collecting the Public Tax, or levying a private Debt among 'em; a plain proof (among many others) that their Designs have ever extended further, than to promote a public inquiry into the Conduct of officers. This is an evil Sir (tho' Cognisable in the Courts of Law) no Civil Process can remedy—the reason is obvious—none such can be executed among them. I have therefore recommended to the Sheriffs to Petition your Excellency and the Assembly at y<sup>e</sup> next meeting on this subject—and I wish, it may not be

found necessary to redress them by means equal to the Obstinacy of the People, who have given reason for it.

I am Sir wishing your Excell<sup>r</sup> &

Family every Felicity

Your most ob<sup>t</sup> & most hum<sup>l</sup> serv<sup>t</sup>

M. MOORE.

His Excell<sup>r</sup> William Tryon Esq<sup>r</sup>

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[FROM N. C. LETTER BOOK S. P. G.]

Letter from Rev. M<sup>r</sup> Draige to Governor Tryon.

SALISBURY, March 13<sup>th</sup> 1770.

MAY IT PLEASE YOUR EXCELLENCY.—

I had the honor of your Letter, have most grateful sense of your goodness and condescension in the inquiry after my health and situation. Col: Frohock and M<sup>r</sup> Martyn have no way answered the expectation formed of them.—

Major Dynn and M<sup>r</sup> Giles have had a regard to your Excellency's Letter. I found it necessary as the weather would permit me to go into the country, was very agreeable to the people; who were desirous that I should stay amongst them, promised me support; to give them satisfaction in this respect, I made a public declaration at Salisbury, that by a License from the Bishop of London and with your Excellency's approbation and appointment I had fixed on this parish of St Luke's, there to perform the office of a Minister of the Church of England, which met with no opposition. But this Declaration gave an alarm to the warm parts of the Dissenters and I explained it by letting them know, that it was agreeable to Law that every parish should have a curate until such a time as there was a fixed and stated Minister; though not entitled to the Rectors Income, had all other rights, and in such character should and would reside until such time as your Excellency or the Bishop should think proper to revoke me; as to the Fees, though I am right, I am very tender, for fear of Suits which would be construed into contention, and moderation is the character under which I must appear; they take the advantage of this leaving me to subsist almost entirely to my own expense, Marrying in defiance of me under the Licenses, though I let it be known, all I required was

leave, which I should readily give to any person Dissenting Clergyman or Magistrate as they should choose on presenting the License to me, and that without a fee, as I indeed understand the law to be, but that my leave is necessary. Col: Frohock seems to think they may pass by me, or at least encourages them to do so. The members of the Church of England on this my Declaration as to residence, and in which I shall not deceive them, are forming into a strong union and will appear in a great body to choose a Vestry on the sixteenth of April, Easter Monday. It was so managed the last year as to vote a vestry of such persons, whom they were before assured would not qualify and such persons in order to raise money to pay their Fines, to become Informers against the Freeholders, who were absentees, being entitled to half the penalty which the Freeholders are to pay, proposed to make up a sum not only to serve that present occasion but for years to come a standing Fund for disqualifying Vestrymen, entirely to prevent any Clergymen of the Church being settled in these parts. They say not in words only but wishing that as they have opposed England in endeavouring to intrude on their civil rights, they also shall, and have a right to oppose any intrusion on their religious rights, a Maxim I presume dangerous in itself not with respect to this county and the neighbouring counties, but to the whole Back Frontier of America, principally settled with Sectaries, and is deserving of the attention of Government, before power is added to inclination. I plainly perceive if I lose my hold, it would be such a discouragement to the present Members of the Church of England, they would never rally again, many of them would quit and go into those provinces where they could have a free exercise of their religion, others would be absorbed up in, and become of the same principles with the people they stayed amongst. Thus I am, may it please your Excellency, engaged in an affair unforeseen, and which the public service requires me to be steady in,—however disagreeable my situation and mode of living, but as that is personal, I shall pass it over in silence. I recommend steadfastness and that the Church of England act with coolness, and a christian Temper; the opposites have treated my person with no incivility, my behaviour is studied to give them no offence but they are bitter against my cause.

I enjoy my health and a fine air. I wish your Excellency was equally happy in those two respects. I was glad to hear that your

Lady and Miss were well, and must assure you it will always be the matter of the principal pleasure to me to hear of the health and prosperity of your Excellency and family, which may the Almighty grant, is the constant prayer of

Your most dutiful &c.  
THEODORUS SWAINE DRAIGE.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Letter from Henry Eustace McCulloh to Colonel John Harvey.

LONDON 20<sup>th</sup> March 1770.

DEAR SIR,

I can't but think it long since I had the pleasure of hearing from you, now upwards of twelve months. I hope my letters to the Committee of Correspondence &c, by Fortune, arrived in time, and that your Gown pleased.

The public papers inform me of the proceedings of your late Assembly. I must stop to return you, as the person to whom I justly conceive myself the most obliged, my hearty acknowledgm<sup>ts</sup> for my appointment as Agent by Act, and for the very honorable manner for me, in which it past your House. The friendships I meet at your hands carry with them (& most justly) the highest value, as they proceed from an Impulse, unbiased by any private Connections of Family or Business. I beg leave to assure you I shall think myself happy in any opportunity of proving the sense I entertain of your favors; of which I trust, I will never give you (wilfully) occasion to repent. In my opinion, the proceedings of your late Assembly, have vindicated the honor of the Province, and I pray God, future Assemblies may ever have Wisdom to see, Virtue to assert, & Courage to vindicate the just rights of themselves, and their Constituents. I am hourly looking for letters from the Committee of Correspondence, and only wait to write till I hear from them. I have exerted myself to the uttermost, & have pretty well overset the Gent<sup>l</sup> who were for reducing the bounty on Tar, — had it not been for opposition to the preposterous proposal gave, — I believe the bounty on Staves and Timber might have been carried; — this is an object which shall not be lost sight of. The duty on Tar is to remain, — it is impossible for me to say what conduct America will



adopt. All applications for a Currency at present will be in vain: I shall write the Committee, what past on the subject between Lord Hillsborough & me. I think your Gov<sup>r</sup> is making his bed uneasy. I fear I shall not be able to serve your friend in his pursuit ag<sup>st</sup> Haselwood, his Circumstances are low & wretched.—Against I write next, which will be soon, I will inform myself finally. If there is anything here, in which I can serve you or yours, command me, & be assured of my exertions as for myself.

My next shall contain a bundle of politics,—at present, we have nothing but scenes & prospects of Confusion. I inclose the Remonstrance, & Answer, & Junius' letter. You see what lengths they go on each side, and in my opinion, the storm is only thickening.—Nothing more with respect to America will be done this Sessions than partially repealing the Act of the 7<sup>th</sup>. of G. 3<sup>d</sup>. The House is in a hurry to rise, and talk of being up in April. Public Convulsions are not at all improbable. If the Idea is adopted that the present is an illegal House of Commons, disobedience to its acts, and refusal of paym<sup>t</sup> of Taxes is the next step:—it is expected, that the succeed<sup>g</sup> remonstrances, will go a much greater length than that of London, and that is no trifle.

I hope you pass your time among those who love you, in Health, peace, & plenty. I know no man who deserves to be happier, or whom I more wish so — & shall esteem myself much favoured in hearing often from you.

I am very sincerely, Dear Sir,

Yo: ob<sup>t</sup>: & affect. Friend

& humble servant,

HENRY E. M'CULLOH.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Letter from Henry Eustace M'Culloh to Col. John Harvey.

LONDON 30<sup>th</sup> March 1770.

MY DEAR SIR,

I did myself the favor to write you a long letter a few days ago to which I refer.—I have just received the favor of your letter of the 16<sup>th</sup> of December last; and thank you for the added instances it contains of your friendship and kindness for me.—I am sensible I

owe the success of my late appointment, chiefly to you; — and I beg you to believe that the assurances I have repeated to you of the Sense I entertain of your behaviour towards me, come warm and sincere from my heart.

I thank you for the Journal of your political Proceedings: — the madness of the people must be great indeed, to trust such wretches as Harmon Husbards and Christopher Nation, as their Representatives; — but it is a comfort, that these violent mad fits seldom last long.

Your Governor (in my opinion) would have done wiser to have been less passionate; — and had he been so, I do not believe he would have been blamed here. — Lord Hillsborough has found out at last, that *Dissolutions do no good*.

What you say with respect to my salary, is, (as all the rest of your conduct to me, is extremely) genteel and obliging. — I protest, my chief view in applying for the Agency, was the Hope and Honor of serving the province. The present appointment fully satisfies me; and the only objections I can possibly have to it, are such as relate to the public honour of the province. — I never sought the appointment from pecuniary motives, for I can truly say that the greatest part of the present allowance is not sufficient to answer my necessary extraordinary expenses of cloaths and Carriages; — but I would not wish the point to be agitated, nor shall I ever add any claim but for fees actually paid. — I suppose my friends will put in a Claim for me, during such time as I asked under the Resolve of your House; — I would have it withdrawn rather than be the occasion of any dispute, — tho' I conceive myself equally intitled. — I beg you and my other friends to act in this matter, according to your own discretions and Opinions.

I wrote letters of thanks to M<sup>r</sup> Knox & M<sup>r</sup> Caswell, which you will please to convey to them. — I also write M<sup>r</sup> Ashe, and forward it by way of Cape Fear.

I inclose you a letter of this date to the Committee of Correspondence, which you will please to communicate. — I shall be very happy to hear that you approve my conduct; — and to receive your opinion as to the manner I have adopted in my Correspondence as agent. I have not as yet received the dispatches from M<sup>r</sup> Montford; — as soon as I do, I will do the needfull, and write the Committee of Correspondence, another letter to your care, to which I will refer at present — I am much concerned that my letter by For-



No. 38 James Hunter & als }  
                   <sup>vs.</sup> } Debt.  
                   Edmund Fanning }

*Null debit* & issue plead. Same jury as in No. 25 impanelled & sworn to speak truth on the issue joined, & say that the defendant owes nothing.

No. 41 James Milner }  
                   <sup>vs.</sup> } Debt.  
                   Hermon Husband }

Same jury as in No. 25 impanelled & sworn the truth to speak on the issue joined find that there was no duress & assess for the plaintiff & damages & costs.

No. 42 Abner Nash }  
                   <sup>vs.</sup> } Debt.  
                   Hermon Husband }

Same jury as in No. 25 impanelled & sworn the truth to speak on the issue joined, find that there was no duress & assess for the plaintiff & damages & costs.

Ordered that the Sheriff of Orange County take James Hunter into custody until he pay the several fees due to the Crown office.

Ordered that William Payne appear at next Court to show cause if any he hath why he doth not pay the several fees due to the Crown office, etc.

Ordered that William Butler appear at next Court & show cause, if any he hath, why he doth not pay the several fees due to the Crown office, etc.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Lord Hillsborough

BRUNSWICK the 30<sup>th</sup> March 1770

It was not before the 17<sup>th</sup> of this month that I was honored with your Lordships letter N<sup>o</sup> 26 bearing date the 14<sup>th</sup> July 1769, together with his Majestys instruction to me that I do not give my assent to any Act for raising money by the institution of any public or private lotteries. This I shall strictly obey. But as a difficulty arises to me in what manner I can check the practice in this province, tho' not very frequent, of selling of property by private lotteries without

the parties troubling themselves about the form necessary to procure the sanction of the Legislature, I must desire your Lordship will inform my judgment in this point that I may know how to regulate my conduct in these instances. I should be desirous to know if any Act of Parliament reaches this case, there being no law in this province that prevents such practices, and I have not the least hope that such a one can be obtained here.

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[B. P. R. O. AMERICA & W. INDIES. VOL. 217.]

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The Memorial of Mess<sup>rs</sup>. Bridgen & Waller and Hindley & Needham Merchants Trading to North Carolina and Importers of Naval Stores to the Earl of Hillsborough  
Sheweth

That as the regulations proposed last year in a Memorial signed by the Merchants Importers of Naval Stores from America to make several alterations in the manner of Importing the same, which was presented to the Right Honble the Lords Commissioners for Trade and Plantations, and approved by their Lordships cannot immediately take place as the present Act for allowing a Bounty on the Importation of Naval Stores from America does not Expire with the year 1774; It is humbly presumed, that if a Provincial Act for reforming the abuses complained of, could be obtained in the intermediate time, it might not only be of great service to the Province, but be the means of throwing more light before Parliament, when they are to Consider the renewal of the Bounty after its Expiration.

Your Memorialists humbly apprehend, that if the Province of North Carolina would consent to the following Regulations by making a Law to continue to the 1<sup>st</sup> of January 1775, It might answer not only the views of your Memorialists, but be a means of convincing by experience those interested in the preparing Naval Stores in America for the British Market, that such measures are the only ones left for improving and Extending the Trade of that Province, so far as it is interested in the making and Exporting of Naval Stores.

1<sup>st</sup> That the following clause of an Act passed in the second year of His late Majesty be strictly carried into Execution.

“Whereas it is necessary for the better making cool and good Tar  
“fit for cordage in all the British Plantations that the last half part  
“of every Kiln of Tar when drawn shall be made into Pitch, free  
“of Drops, and the whole Kiln of such Tar or the value thereof,  
“unless the said half part be so made into Pitch as aforesaid shall  
“from and after the 29<sup>th</sup> Sep<sup>r</sup> 1729 be forfeited for the benefit of any  
“person or persons who shall sue for the same to be levied and  
“recovered in the same manner as other penalties and forfeitures are  
“directed by this Act.

2<sup>dy</sup> That your Memorialists are of opinion, that officers should by  
an Act of the Assembly of the Province be appoined to attend the  
burning of the Tar Kilns, to see the foregoing clauses strictly carried  
into Execution.

The manner the Planters have constantly pursued in burning the  
Tar Kilns has been to Run it off into open drains, cut in the ground,  
Exposed to the weather, by which means, rain water often inter-  
mixes with the Tar while it is hot and when they take up the Tar  
out of such drains or Reservoirs to fill the Barrells, Sand, Dirt, and  
Water is taken up with it, which your Memorialists are of the opin-  
ion may be prevented:

By sinking a large Cistern or Cask in the Ground to Receive the  
Tar, as it runs from the Kiln, with a cover to prevent Rain getting  
into such Cistern, or Cask, when the Tar is hot that being the time  
Water will more easily impregnate and mix therewith and which it  
will be afterwards impossible to entirely separate the one from the  
other.

3<sup>d</sup>. That the Barrells, the Planters have put their Tar in, have been  
made of green Timber, and so very slight, that the Leakage, before  
it has been ship'd has been at least from 15 to 20 p<sup>r</sup> c<sup>t</sup>, which is the  
best and purest Tar, besides the Tarburners often bung the Barrells  
at the Kiln, with Grass or Weeds, which in rolling to the River side,  
or place, where it is to be delivered, often get into the Barrells, many  
of which are so leaky that Water gets in, and supplies the place of  
the Tar leaked out, from Rain and Rafting the Barrells down Rivers  
to places where they are to be ship'd for Europe, which may be  
prevented.

By an Act of the Assembly to oblige the Planters to put all the  
Tar they make for Exportation into well hooped Casks of 32 Gallons  
each, made with season'd pine staves of  $\frac{3}{4}$  of an Inch thick, each  
stave, the Casks to be bunged at the Kiln where the Tar is burnt

with a bung made of Cork or wood to prevent its leaking or running out, or Weeds, Sand, dirt or Water, intermixing therewith; it would also be well, if the Planters instead of letting the Barrels filled with Tar, lay a long time upon the Wharfs exposed to the heat of the Sun, which they often do and from the badness of the Barrels in the manner they have been made, the fine Oily part of the Tar, being the thinnest, often leaks out, which occasions the Remainder to be of an inferior and Drossy Quality: but if the Barrels are made with staves of the Dimensions proposed, properly bunged, and put under cool sheds, or Warehouses, to prevent the Oily particles of the Tar running out, by the staves shrinking and opening, by the force of the Sun, Tar will then be imported from America into Great Britain equal, or Superior to that from Sweden, which will most certainly recommend itself to be used in His Majesty's Royal Yards and Navy, and become of more general use in all other branches of Trade and Navigation, it is wanted in, which will greatly increase the Consumption, make it a more certain and valuable Remittance, in return for British Manufactures Exported to that Province, which is now a very uncertain one, and often attended with great loss to the Importer: Notwithstanding the Bounty Received thereon.

That Turpentine is generally Imported intermixed with Sand, Dirt, Dross, Water and Chips, in Slight Barrels, which for the same reason as before given on the Tar; the finest and best of the Turpentine often leaks out, and the Sand, Dirt, Dross, Water, and Chips, intermixed with the Remainder, diminishes much its Value, and causes a great Expence to the Importer; in proof of this Assertion we have known many Casks Imported as Casks of Turpentine, the Casks weighing more than 300 Pounds Weight each, in which there has been put very few Pounds of Turpentine in them, the rest being chiefly sand, and for which Freight and Duty has been paid, the Bounty allowed, and insurance made, tho' of no Real Value.

The Planters should be more careful in collecting their Turpentine, by having it put Neat and pure into Barrells, made of well seasoned Staves  $\frac{3}{4}$  of an Inch thick each Stave, well bunged, with Cork or Wood, so as to keep it Clear from Sand, Dirt, Dross, Water, and Chips, which will greatly enhance its Value.

That Pitch is generally Imported from North Carolina half made, and intermixed with Sand, Dirt, Dross, and Stones, which is occasioned by the Planters putting the Tar into holes dug in the Ground, and Setting fire to the same, which, when half burnt, is put into

Slight Barrels, in a very adulterated Condition, which may be prevented —

By the Planters Boiling the last half running of the Tar Kiln into Pitch in Kettles, which is the Custom of making it in the other Colonies, and Great Britain, by which means, and putting the same into tight Strong Barrels, made of Staves  $\frac{3}{4}$  of an Inch Thick, well hooped, the Pitch will become  $\frac{1}{3}$ <sup>d</sup> more Valuable to the Planter and Importer.

The Naval Stores that have been Imported from the Province of North Carolina, and Particularly Tar, into Great Britain, has been so adulterated and bad, that scarcely one Barrel in Twenty has been Intitled to receive the Bounty, till landed, and cleaned, as much as possible to be done, from the Weeds, Dirt, and Water, which loads that Commodity with a very large Expence and loss in the Bounty to the Importer, which is in a great measure owing to the Officers and Inspectors being appointed by the Magistrates of the different Counties, to inspect into the goodness and quality of such stores, before they are Shipped, such Magistrates being Planters and Tar Burners the Inspectors are not so strict in the Execution of their Office as they ought to be, fearing to disoblige their Masters on whom their livelihood depends, therefore give themselves very little trouble in Examining the Barrels, but put the inspection mark on them, and pass them in the bad condition Naval Stores have been, and are Imported into Great Britain. In order to prevent such frauds, we are of Opinion, it would be very proper and Necessary — That all Naval Stores be brought to Towns or public Wharfs, where they are to be Shipped from, to be inspected, and at no other place, by such Officers, the Governor shall think proper to appoint, that are independant of the Planters, or Magistrates, and that Naval Stores in our Opinion should be put under some such restrictions by the Assembly of the Province of North Carolina, as there is on Tobacco in Virginia.

That your Memorialists are of opinion, the foregoing Regulations are for the general Interest of the Planters, and Makers of Naval Stores, and if by them carried into Execution, with such others as may be necessary to make by an Act of the Assembly of the Province of North Carolina, it will be a means to Import Naval Stores from thence to Great Britain of good quality, and in such Condition as to prevent great frauds in the payment of the Bounty, that being done, much greater Quantities of such Stores will be used in the



Royal Yards and the Navy, and a more General Consumption of them throughout all His Majesty's Dominions, which will greatly encrease the Trade and Navigation between that Colony and Great Britain, and soon be a means to prevent the Necessity of Importing any of those Commodities from Germany, which are Imported in Foreign Bottoms and paid for in Specie or Bullion, when those from America are chiefly paid for with the Manufactures of Great Britain.

Your Memorialists beg your Lordship to Recommend it to the Governor of the Province to Interest himself in procuring an Act of the Assembly of North Carolina to made the Regulations proposed.

We have the Honour &c  
BRIDGEN & WALLER  
HINDLEY & NEEDHAM

LONDON 31<sup>st</sup> March 1770.

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[B. P. R. O. AMERICA & W. INDIES. VOL. 217.]

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Letter from Earl Hillsborough to Gov<sup>r</sup> Tryon

WHITEHALL April 4<sup>th</sup> 1770.

SIR,

At the same time that I lament the obstinacy of the Assembly in persisting to refuse to make Provision for the Security & Defence of the Colony, I must adhere to my former opinion upon that Subject expressed in my Letter N<sup>o</sup>. 27. & do entirely agree with you that no consideration ought to induce you to consent to a Tonnage Act by which the Inhabitants of North Carolina should be put upon a better footing in respect to that Duty than His Majesty's other Subjects.

With regard to the Paper Currency which I find continues still to be so much an Object of the wishes of the Colony I have nothing to add to what I have already said upon that subject in my former Letters, but I should wish to know, what is the nature and quantity of the Bills of Credit now outstanding & what is the Period fixed by law for their Redemption.

I was most sincerely happy in the opportunity which your Dispatch N<sup>o</sup>. 34 afforded me of doing justice in the presence of Our Royal Master to the Merit of your Services in the Office you now

hold, of which Services I have ever entertained the most favourable opinion. These sentiments necessarily led me to think of you when the Gov<sup>t</sup> of New York became vacant, but finding from M<sup>r</sup> Heron's Information that the value of your present Gov<sup>t</sup> exceeded that of New York, I could not venture to make a sacrifice of your interest to my own wishes without some Authority from yourself or your friends that might justify me in a step which I have now the additional Mortification to find would have been agreeable to you.

I have not failed to submit to his Majesty your humble Request for leave to return to England for one year from Spring twelve-months, & have the Satisfaction to acquaint you that His Majesty is graciously pleased to condescend thereunto, & I will take Care that the proper Instrument under the sign manual shall be sent out to you by the next conveyance,

I am &c.<sup>a</sup>  
HILLSBOROUGH.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

### COUNCIL JOURNALS.

At a Council held at Brunswick 9<sup>th</sup> April 1770.

Present

His Excellency the Governor

The Honble	{	James Hasell	William Dry	}	Esquires
		John Rutherford	and		
		Lewis DeRosset	Robert Palmer		

His Excellency was pleased to inform the Board he had received a letter from the Earl of Hillsborough one of His Majesty's principal Secretaries of State, dated the 16<sup>th</sup> January last — signifying his Majesty's royal Pleasure that he might as soon it was necessary and convenient meet the General Assembly; and thereupon desired the Opinion of this Board — It is the unanimous opinion of this Board, That as the heat of the Summer will soon be coming on, The most convenient and proper time for meeting the Assembly will be the 30<sup>th</sup> day of November next, then to meet at New Bern.

Ordered that a proclamation issue accordingly in the following words, Viz<sup>t</sup>

NORTH CAROLINA — Ss.

BY HIS EXCELLENCY WILLIAM TRYON ESQ, &c.

A Proclamation —

Whereas the General Assembly is appointed to meet at New Bern the 1<sup>st</sup> day of May next, and as it is found expedient to prorogue the same, I do therefore by and with the advice and consent of His Majesty's Council Issue this my Proclamation hereby proroguing the said Assembly until the 30<sup>th</sup> day of November next, then to meet at Newbern for the dispatch of public business.

Given under my hand & the Great Seal &c,

[Signed]

W<sup>m</sup> TRYON.

His Excellency was pleased to lay before this Board a letter from Maurice Moore Esq<sup>r</sup> one of His Majestys Associate Judges dated Salisbury the 13<sup>th</sup> of last month, in the course of his Circuit through the province (in the following words) Viz<sup>t</sup>

SALISBURY March 13<sup>th</sup> 1770.

SIR,

The Sheriffs of the several Counties of this district complain heavily of the opposition made to them, in the Execution of their office, by the people who call themselves regulators; I am told there is no such thing as collecting the public tax, or levying a private debt among them; a plain proof (among many others) that their designs have ever extended further than to promote a public enquiry into the conduct of Officers. This is an Evil Sir (tho' cognisable in the Courts of Law) no civil process can remedy — the reason is obvious none such can be executed among them — I have therefore recommended to the Sheriffs to petition your Excellency and the Assembly at your next meeting on this subject — and I wish, it may not be found necessary to redress them by means equal to the obstinacy of the people, who have given occasion for it.

I am Sir wishing your Excellency

and Family every Felicity

Your most ob<sup>t</sup> and most humble servant

M. MOORE.

His Excellency Will<sup>m</sup> Tryon.

It is the opinion of this Board, that no effectual steps can be taken until the meeting of the General Assembly, when the Sheriffs will

have made their returns to the Treasurers of their several Collections of the Taxes, and that in the mean time a proclamation issue requiring the Sheriffs of the several Counties in Salisbury district, as well as all other Sheriffs who have or may meet with obstructions in the execution of their Office to Report thereof at the next meeting of the General Assembly,—which proclamation is in the following words Viz<sup>t</sup>

NORTH CAROLINA—Ss.

By his Excellency William Tryon Esq, &c.

A Proclamation.

Whereas it hath been represented unto me that the Sheriffs of the several Counties within the district of Salisbury meet with great obstructions in the execution of their Office, I do therefore by the Advice of His Majestys Council issue this my Proclamation hereby strictly requiring and commanding the several Sheriffs of the Counties in the said district of Salisbury, and all other Sheriffs in this Government, to exert every lawful means, and to pursue every justifiable measure to enforce a due execution of the Laws in the discharge of their duty. And I do hereby require that all Sheriffs who have been, or may be obstructed in the execution of their Office, do give their attendance at the next meeting of the General Assembly, to make report thereof.

Given under my hand & the Great Seal.

Signed

W<sup>m</sup>. TRYON.

The Honble John Rutherford Esquire His Majestys Receiver General In pursuance to Order of the 18<sup>th</sup> Dec last laid before His Excellency in Council, a Copy of his Account delivered to the Auditor from the 25<sup>th</sup> March 1766 to 25<sup>th</sup> March 1768, and also a particular and general account of his collection of Quit Rents, fines and forfeitures &c. from that time to the 25<sup>th</sup> March last, These accounts with his letter of this day His Excellency acquainted the Board he proposed to transmit to His Majestys principal Secretary of State

Ordered — That the Court of Claims be Advertized to be held at New Bern on the 30<sup>th</sup> November next, and that the Secretary remove to New Bern, all the necessary Records and papers.

[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough

BRUNSWICK 10<sup>th</sup> April 1770.

I should have been well pleased if his Majestys very tender concern for the injuries of this Province and that of Newbern in particular, received by the storm on the 7<sup>th</sup> of September last, had been seconded by a beneficence to the town by the legislative body here, as recommended in my speech. But alas for that season, an over heated zeal excluded every principle of generosity from the patriot's bosom.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

BRUNSWICK 11<sup>th</sup> April 1770.

My acknowledgments are in a peculiar manner due to your Lordship for laying so immediately as you did before his Majesty my letter N<sup>o</sup> 39, as well as so early communicating in your dispatch N<sup>o</sup> 30 his Majestys sentiments on the conduct of the last General Assembly of this province with his most gracious permission to me to meet a new Assembly. This dispatch relieved me from those anxious solitudes which accompany interesting affairs, for though by the advice of the Council I had issued writs in February last for a new election, I should assuredly not have met them without the King's direction.

As the Gentlemen of the Council was attending at the Court of Claims the 9<sup>th</sup> instant, the very day I received your letter of the 16<sup>th</sup> January (N<sup>o</sup> 30) I was pleased with the opportunity it offered to signify to the Council his Majestys royal pleasure that I should consult with them at what time it would be most convenient to meet the General Assembly, when it was advised that the 30<sup>th</sup> of November next would be the proper time as appears by the Minutes of the Council.

I shall be attentive to observe your Lordships direction at the opening of the Assembly.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Lord Hillsborough,

BRUNSWICK the 12<sup>th</sup> April 1770.

Your Lordship will observe by Mr Moores letter some of the inhabitants of the counties of Rowan, Orange, and Anson continue in a state of disobedience to the laws of their country

The measure the Council advised for the Sheriffs to come to the next meeting of the General Assembly and lay before that body the state of the difficulties they labor under will I am in full expectation be the means of inducing the Assembly to fall upon some measures to bring those people within the discipline of Government. Were the Treasurers to publish such a state of their accounts as would bear the test of the public it would give infinite content to the country: I have been industrious in obtaining this end and I hope 'tis not far off.

The restless dispositions of the inhabitants of Rowan and Orange Counties are in some measure occasioned by Lord Granvilles Land Office having been shut up for upwards of five years which has proved a very great prejudice both to the province and to his Lordship's interests, for as great bodies of the inhabitants from the northern colonies come to take up land in our western settlements and finding when they arrive there is no land to be procured they are under a necessity to set down on vacant land, few being in circumstances to move back again with their families, thus laboring for subsistence only, without the prospect of making provision for their children they become discontented and unwilling to pay a proportion to the exigencies of that government in which they have no more interest than they can move out of it perhaps in a few days.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Lord Hillsborough.

BRUNSWICK the 13<sup>th</sup> April 1770.

The inclosures are the accounts of Mr Rutherford, his Majestys Receiver General of this province from the 25<sup>th</sup> March 1776 to the 25<sup>th</sup> March 1770, which with the letter accompanying them he delivered to me in Council. I shall not pretend to speak particularly con-

cerning these accounts, but observe only in general that they certify the great uncertainty and irregularity that accompanies the present mode of collecting his Majestys Quit Rents, nor can there be the least hope of any certainty or success in that business till the Auditor is directed to furnish the Rent Roll to the Receiver General annually.

I am inclined to believe from the materials I have sent to your Lordships office a good Rent Roll and an effectual method for the management of the collection of Quit Rents may be framed. The aid of the legislature will be wanted as formerly observed and the officers employed to be at first most liberally rewarded. These considerations I should hope would be speedily resolved upon, as his Majestys interest and the officers upon the establishment suffer greatly and must continue to do so while under the present mode of collection.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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NORTH CAROLINA }  
Granville County. }

Know all men by these presents that We Isaac Edwards John Williams & William Bullock all of Granville County are held & firmly bound unto Robert Harris Jonathan Kittrell and Thornton Yancey—Justices for the County of Granville in the sum of One thousand pounds proclamation Money. To the which payment well & truly to be made, We bind Ourselves Our Heirs Executors and Administrators jointly and severally firmly by these Presents.

Sealed with our Seals and dated this 17<sup>th</sup> Day of April A. D. 1770.

The Condition of the above Obligation is such that Whereas the above bounden Isaac Edwards hath the Day of the Date of these presents qualified under a Commission appointing him Clerk of the Pleas for the said County of Granville. Now if the said Isaac Edwards take due Care of the Records belonging to the said Office and faithfully discharge the Duties of the same, then the above Obligation to be Void otherwise to remain in full force & Virtue.

I<sup>s</sup> EDWARDS [Seal]

JOHN WILLIAMS [Seal]

WILLIAM BULLOCK [Seal]

Signed Sealed & Delivered in Presence of

JAS COOKE

THO HENDERSON

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Letter to the Sons of Liberty in North Carolina.

CHARLES TOWN S<sup>c</sup> Carolina April 25<sup>th</sup> 1770.

GENTLEMEN,

An authentic account of a Bill ordered to be brought in the House of Commons, to repeal so much of an Act of the 7<sup>th</sup> of his present Majesty, as imposes a Duty on Paper, Glass and Painters Colours imported into the British Colonies in America, occasions this address to you.

It is with the deepest Grief, we observe the Oppressions of America so little regarded, as, that Duties on a few Articles, more ruinous in their Precedent, than fatal in their present operations, should become the serious Objects of parliamentary attention, while the grand Evils, which affect the Life and Soul of American Happiness, are totally disregarded.

When the Resolutions were formed (surrounded with difficulties as we were) on the only Plan we had left for the Recovery of our antient Liberties (and which, we are convinced, will ultimately have their desired effect, if we have but Virtue enough to resist the allurements of present Gain, in Favour of the inestimable Blessings of our envied Constitution) for want of a Communication with each other, the Colonies adopted Plans various in Extent of matter and Limitations of time: This Province, as it was among the last, so it has been the most comprehensive; and well considering, that Liberty in Retail is but another Term for Slavery, they have included every Object which tends to sap the Foundation of their Freedom.

While the Board of Commissioners are permitted to riot with such an Extent of unrelenting Power; while our Property is subject to be dragged from Colony to Colony under the Controul of an oppressive Admiralty; we are not free. And while these Acts continue in Force, we are *chained* down by *our* Resolutions: Such is our present Situation, in which we glory. The day of Trial is but approaching; Unanimity is absolutely necessary; and we are positive, nothing but an Exertion of the purest Virtue, in the Prosecution of one generally adopted Plan, can possibly revive our expiring Constitution.

Should any of our Sister-Colonies take Advantage of the Repeal of these trifling Duties, we think it had been infinitely better, to



have submitted quietly to the Yoke, than to have discovered the deepest knowledge of our Constitution, and a most ardent desire of preserving it. Yet, while a variety of Circumstances combine to ensure our successs, it would be highly dishonorable to sink into a slavish Inactivity; when a spirited and steady Conduct can alone crown our Hopes.

The People of this Province have bound themselves, in the general Cause of American Liberty, by extending their Resolutions, until the Whole of their complaints is removed. It would be a capital Crime in us, to suspect the public Virtue of our Countrymen; nor can we ever suppose, in the most distant manner, this province will fall a Sacrifice to the purity of her Intentions. The Security of our inherent injured Rights, was the Foundation of our Agreements: Until that Security is amply obtained, nothing can be said to be done.

The principal Arguments in the House of Commons, were founded on the Division of the Colonies; the Impracticabilty of manufacturing; and the Impossibility of continuing firm in our Non-Importation. Let us convince them of our Unanimity, and the Falsity of those dishonourable Reports, which declare any Breach of consequence in our sacred Engagements, and we may be certain of success. — That Individuals will be found in every Colony, who (dead to all the warm Emotions of the Heart) even when Liberty is at Stake, will sacrifice the only Blessings which make Life Comfortable, to the dirty Consideration of present Emolument, is nothing extraordinary. Worthless men are the Produce of every Climate; they serve only as a Foil to set off the Cause; and unless we become Traitors to our own Liberties, we have little to fear.

Our Countrymen in Great Britain are equally engaged in the Defence of the Constitution. Surrounded on all sides with the minions of Government, the best men in the nation have pledged themselves for its Defence. These Patriots are equally the objects of our Admiration and Imitation: And as our Blood and our Rights flow equally from the same source, we should scandalize the rough unremitting Virtue of our Ancestors, did we not follow their Example.

Let us suppose the worst that can befall us; — that the Iron Hand of Power will at last prevail, and trample upon every Right of American Liberty; yet we think it an indispensable Duty, which we owe to our Country and Descendants, inflexibly to persevere to the last, and let Posterity record, Force obtained a triumph over Public

Virtue; and tho' we fell, we fell with a dignity and Spirit becoming the sons of Great Britain.

We are Your most Affectionate Countrymen,  
[Signed By Order of the General Committee]  
JOHN NEUFVILLE, Chairman.

[N. C. LETTER BOOK. S. P. G.]

Letter from the Vestry of S<sup>t</sup> James' Parish to Gov<sup>r</sup> Tryon.

WILMINGTON May 11<sup>th</sup> 1770.

SIR

We are directed by the Vestry of S<sup>t</sup> James Parish to acknowledge the Receipt of your Excellency's favor of the 9<sup>th</sup> of February last.

In answer to which we are desired to inform your excellency that they are very well satisfied to employ M<sup>r</sup> Wills in the parish as usual as he is a gentleman worthy of his sacred Function. But that they cannot agree to his being inducted into the parish as they humbly conceive from the best information they can procure that no power of presentation or Induction is lodged in the Crown by any Act of Assembly in this Province. We are &c.

JNO. ANCRUM }  
W. WILKINSON } Church Wardens.

[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF STATE.]

### COUNCIL JOURNALS.

At a Council held at Brunswick 12<sup>th</sup> May 1770

Present

His Excellency the Governor

The Honble { James Hasell                      Lewis DeRosset } Esquires  
                  { John Rutherford                William Dry        }

His Excellency laid before the Board the following depositions of sundry Persons Inhabitants of Dobbs County — Viz<sup>t</sup>

NORTH CAROLINA }  
Dobbs County }

Personally appeareth Samuel Caswell (Before me one of His Maj-

estys Justices of the Peace for the said County) and being sworn upon the Holy Evangelist of Almighty God, deposeth and Saith—

That on Thursday the Twelfth day of April Instant, He with Sundry other persons went to assist the Sheriff in apprehending one Thomas Blake and also a certain John Curlee, who were charged with felony, and whom this deponent was informed kept themselves concealed in obscure places lying in wait to destroy such of the Kings subjects as had or should attempt to apprehend them— That a considerable number of Persons were Assembled on this Occasion, that some of those persons as this Deponent was informed met with and pursued the said outlying Felons into a large Swamp, the Deponent soon after joining the pursuers was informed the passage of the said Swamp in pursuit of the said Felons was impracticable— Whereupon it was concluded by the Sheriff and his party to proceed to some more convenient places where it was supposed the said Felons would retire; in order to endeavour to apprehend them. That on the said Party's passing the Aforesaid large Swamp at the Distance of three or four miles from the place the said Felons entered the same, When pursued, one James Lindsay—who was of the Sheriffs party was the first and the Deponent the Second of the said Party who entered the Swamp, that near the middle of the same the Deponent discovered the said two Felons, who immediately discharged their Firelocks at the said Lindsay, and this Deponent, as this Deponent verily believes, That by the shot fired by the Felons aforesaid the said James Lindsay received several mortal wounds of which he instantly died— And further this Deponent saith not

SAMUEL CASWELL

Sworn to before JOHN SHINE  
KINGSTON April 14<sup>th</sup> 1770

At the same time Simon Bright Sheriff of the aforesaid County and Francis Mackilwean, John Garland and Richard Caswell, who were of the said Sheriffs party, appeared and on Oath declared the substance of the foregoing affidavit to be true to the best of their knowledge and belief.

SIMON BRIGHT JUN<sup>r</sup>  
FRA<sup>s</sup> MACKILWEAN  
JOHN GARLAND  
R. CASWELL.

Before JOHN SHINE.  
April 16<sup>th</sup> 1770.

Martin Caswell on Oath declares the substance of the within Affidavit is true.

MARTIN CASWELL.

Before ABRAH<sup>m</sup> SHEPPARD Jun<sup>r</sup>.

And desired that this Board would take the same into their serious Consideration. It is the unanimous opinion of this Board that a proclamation issue Offering a reward of One hundred pounds proclamation money to any person or persons, for apprehending each or either of the offenders charged with the murder of the said James Lindsay, and

Ordered, That a proclamation issue accordingly.

NORTH CAROLINA — Ss.

By His Excellency William Tryon Esq<sup>r</sup>.

A Proclamation.

Whereas, I have received information on oath that a certain Thomas Blake and John Curlee have for some time past been committing repeated Felonies in the County of Dobbs, and that upon an attempt made to apprehend them by the Sheriff of the said County one of them fired upon a certain James Lindsay then in company with and assisting of the said Sheriff, from which firing the said Lindsay received a mortal wound of which he instantly died, and that the said Blake and Curlee are still in Contempt of all lawful process, and are daily using threats against the lives of several of His Majestys Subjects—To the end therefore that they may be apprehended and brought to Justice I do by the advice of His Majestys Council issue my Proclamation hereby commanding and strictly requiring all and every officer and Minister of Justice and all other persons whatsoever within this Province to be aiding and assisting in and to use all lawful ways and means for apprehending the said Thomas Blake and John Curlee—And I do hereby offer a reward of one hundred pounds proclamation money for apprehending and securing each or either of the said offenders so that they may be tryed and convicted of the aforesaid Felony.

Given under my hand and the Great Seal-&c.

(Signed)

WILL<sup>m</sup> TYRON.

Ordered, That Solomon Alston Jun<sup>r</sup> and Robert Dickens be added to the Commission of the Peace and *Dedimus* for the County of Granville, and that the Chairman of the said Court be directed to insert their names in the Commission and *Dedimus* accordingly.

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[N. C. LETTER BOOK S. P. G.]

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Rev. Mr. Draige to Gov<sup>r</sup> Tryon.

S<sup>t</sup> LUKE'S PARISH IN THE COUNTY OF ROWAN,  
May 29<sup>th</sup> 1770.

MAY IT PLEASE YOUR EXCELLENCY,

It is with the greatest candour and with all due submission I represent my situation here. On Easter Monday many of the parish met to proceed to the Election of a Vestry, two several Lists of twelve persons each (copies of which are sent with this) were made out for the direction of the Voters. The one consisting of nine Magistrates, one captain of Militia, and two other persons, if not Elders, duly qualified as to principles to be so. This was composed with care, supported by misrepresentations as to the grievances and oppressions the people would be subjected to in consequence of their having a clergyman of the Church of England; all the weight and influence as Magistrates was exerted by which with other means, and the Dissenters having Deeds for their Lands, this List was declared to have the superiority of Votes as the fact was. Tho' these Voters, are rotten nuts, in the Eye of the Law, for the direction of the Act of Assembly is absolute to make a choice of a Vestry: and the contention as to the two Lists, was not as to which of those persons contained in those Lists the Vestry should be composed of, but whether there should be a vestry or not, so understood by those who voted for the List returned, declared that to be their intention when they gave their votes, and which they were before assured would be the case if the persons of the first List came on the return, by their declaring they would not qualify, that they had thus kept the Church out for years and hoped to do so perpetually with much impudence and impertinant threats on the part of the voters as to the consequence of any establishment of a clergyman of the Church of England.

Those of the Second List while together in the court House desired to know of those returned whether they would qualify, assuring them if they did not, that they of the Second List would, That it was a deceitful evasion of the law, and infringement of their liberties, and rights as members of the church of England here established, whom in spite of the intrigue and double management which had been made use of, had the Members of the established church been possessed of their Deeds would have outvoted them, five to

one. That it was from the great distance, the scarcity of money, the reason for saving, and the poverty of the cattle from the severity of the last winter which occasioned a scarcity of fodder, that they had not a greater appearance of their friends there at that time, though they were sufficient to show the sense of the county, and which otherwise, those of the other List knew, and feared a superiority even under the disqualifications of the Members of the established church for want of their Deeds. It was an instance how little they deserved the indulgence they had, who thus assumed a licentious liberty to oppose that Government, whose favor they received to prevaricate with its Laws and endeavour to subvert the constitution in part.

The Sheriff summoned those returned, before the meeting in the Court House broke up, to come and qualify the Monday after, which they agreed to, Those of the second List told them, if they did not they would meet, the Summons was not legal as to time, being but a Summons of eight days notice, whereas the Act says Ten, yet as they agreed to meet, they could not legally have taken advantage of their own Act. I was in Town but no way interfered, nor even, did not know who were the persons in the Second List, made out that morning, ill digested, and no interest made for it, whereas they had been canvassing for the former over the whole county for some weeks, and with the greatest assiduity for the fortnight past. The separate Anabaptists joined them, Murphy, who talks away, seducing the people even in direct opposition in many points to the Dissenters principles was received into the Court House as in communion with them and great countenance given him. I had a conversation that evening with some of the returned List who said their purpose was to evade the Law, that Government had yet taken no notice of it though before practiced and therefore looked on it that these measures were approved. I observed they should be very cautious of entertaining such thoughts, and of expressing themselves in that manner. They said if I would take a Subscription and be in the county on those terms, having no objection as to me personally the Dissenters would subscribe to me liberally also; my answer was, it is a thing out of my power, and it would not be right in me to presume to settle in any other manner than what the Law appointed, that their share of the Taxation with respect to a clergyman would not amount to Eight pence a head, nay I was well assured it would not be Six pence. They said it

was their opinion everyone ought to pay their own clergy, and what the law required was a constraint, the other would be a free gift. I told them had this been imposed subsequent to their settling they might have considered it as a grievance; Such was the constitution of the province, had been from the first settling of America, as it was taken out of Virginia, agreeable to the charter on the separation, no alteration made with respect to the church, on the contrary, Acts of Assembly to settle it in a firmer manner on the old Establishment. If this part of the constitution was not approved by them they should not have come, but kept in those Colonies, the constitutions of which were more to their mind. If they had flattered themselves the church would not be supplied, and were now vexed at the delusion they had lived under, this they might have foreseen, that they would be undeceived in time, and it was equally inconsiderate in them to take the present measures against the inclination and the voice of the majority of the people, who are of, and desire the established Church, and moreover as they did not nor would not provide themselves with any teachers, though well able so to do, by which means, the reform of the people was entirely neglected, deficient in their morals and in their obedience to Government. That Government would consider this, and think some means should be used to influence the mind as well as Laws to punish the Action and in what manner could it be done; but in that which the constitution pointed out by an established Clergy, and a Toleration as to those Teachers they should provide. The Government acts uniformly in all places of its dominion, and will not suppress the Established Church here, and give the pre-eminence to any Sect or Sects, for the ill convenience which might arise, would be greater, for the complaint of the people of the Church of England, more numerous, wealthy and powerful, would be greater than any they would think to guard against by such a concession. Their purposes was to sift me: They had my Sentiments, our conversation was with temper, and we parted with great civility, many people a liberty they take in this part of the world stood by to hear. On the day appointed for the Vestry to qualify, Seven of the Second List met, two were sick, and the other three though not present would be determined by the resolutions of the Majority. The two Members of the County, and one Allison, a principal Elder, were the only persons of the First List who appeared in Town. M<sup>r</sup> Morgan Briant, cool and sensible went to them in a private

room, told them, they being Members of the County, consequently were to consider the Interests of the people and wished they would qualify. That there was two years parish Tax had been collected and paid into hand by Miller the Sheriff some years since who was then ready to come, if sent for, and produce his receipts for having paid in such monies, one farthing of which hath never been accounted for, nor doth it appear was ever laid out, which causes a great uneasiness amongst the people, they complained that they should pay for a Clergyman, which they apprehend they did, and now when they could be provided to their liking, should be denied that benefit. That the poor lay a burthen upon many private persons, no public provision could be made for their relief as the Law required, by a Vestry, any attempt of the Justices was illegal, and it was well known there was a large sum in the hands of the Justices and some others which could not be come at, but by a Vestry, computed to be Three hundred pounds and upwards to defray the expence of the maintainance of the poor, that to quiet the minds of the people by an adjustment of these affairs, a Vestry was certainly necessary. It was a representation without effect, and they would not determine, whether, they would qualify or not. Said the Sheriffs summons was not legal, denied against all truth, that they personally agreed to it, whereas I was personally a witness to the contrary, but I took no notice, therefore they should not meet until the 15<sup>th</sup> of May, which was the furtherest day they were entitled to qualify, on this declaration the seven of the second List went into the Courthouse entered down as a Vestry (a copy of which memorandum your Excellency receives) to save their time, and as they are not under obligation to swear at their first meeting, omitted it at that time, that their proceedings might not be considered by Government as a rash act, but as it appeared to them, requisite to shew that a vestry was really desired by the Members of the Church of England, as they had made a List of such persons, who would act, a Memorandum was entered by the Sheriff of those who appeared on the first List.

After this proceeding I produced your Excellency's Letter, addressed to the Vestry of Saint Lukes Parish. Told them I thought them to be the proper persons to see it, who were representatives of the Body of the Church people, and acquainted with my Ministry. That I had a discretionary power from the Governor, in a conversation which I had the honor to have, to shew it, if there was a case



of necessity to my friends. On this Rutherford and Lock, the two Members, were alarmed, not knowing that I was thus provided, nor indeed those of the second List, for I am sorry to say it, that sincerity and confidence are herbs scarce to be found in this climate. —

They the members of the County being thus alarmed fired away freely scandals to the Church and contemptuous expressions, as to the power of the Crown, and of the Parliament of England. I appeared in behalf of the Church, had been silent on all occasions before, but now had my equals in the Lists, the County members and a Senior Elder, an altercation followed, which drew many people, I took no notice of their reproachful expressions, so that artillery was soon silenced, but came to a spirited argument drove them out of their Posts, and the people declared me victorious. This opened the Eyes of the people, set them in a great measure right as to the false representations which have been spread abroad, made them sensible that the Dissenters power was a thing assumed, that they were not the Established Church, or on an equality, that their power was a mere form of Government, which was not before generally understood. They had opposed the others reading the Letter first questioning its authenticity, therefore carefully perused the Seal before it was opened, then desired them not to read it as a Vestry, but they read it publicly, and whether as a Vastry or not, they would not satisfy them. The nominal Vestry then adjourned to another place and wrote the enclosed answer and recommendation to your Excellency for my Induction.

The dispute was conducted without the least disturbance, amongst the people silent attention, and they went away with murmurs expressing satisfaction. — Also the nominal Vestry were well pleased, who thought my behaviour before lukewarm and indifferent proceeded from indifference whether I would stay with them or not, and suspected a purposed intention to leave them, but now saw, from this conversation that I waited for a proper time and proper persons before whom to defend the character and rights of the Church of England, and of the just and laudable proceeding of the Government, in the intended appointment of a clergyman and a submitting with so much temper & condescension to their approbation before Induction, whereas legally the Government need not have done so, it was unprecedented in any other part of His Majesty's Dominions, as there was a forfeiture of the right, if originally any, by a lapse in time, not only of Months but of years; after the

nominal Vestry had thus secured their Day, and wrote their recommendation, they went Home.

On the fifteenth most of the first List appeared in Town, I returned that day having been out almost a fortnight on my Ministry, and found five of the nominal Vestry, their intention being only to observe the proceedings of those of the first List, and to incite them to qualify. But no one of those of the first List, though they kept parading the Streets would go into the Court House attended with many of their friends who came in the same day, seeking occasions to quarrel, the thing was suspected, and all was kept quiet, the Sun was set, those of the Nominal Vestry went home, but on their not appearing any more about, a Spy was sent to me to ask what those of the Nominal Vestry intended, I said to qualify, they understood as that night, not knowing they were gone home, on which those of the first List immediately mustered, took possession of the court house, and sat there till three the next morning, to prevent the others coming in. Sometimes pretending they would, then they would not qualify, neither did they, completely answering the intention of the Voters, to effect if possible that there should be no Vestry.

The Resolution of that Nominal Vestry is to carry everything on with peace and temper, That I should immediately forward the recommendation to your Excellency, That they would raise me a Salary half yearly by a liberal contribution (which I limited to be no more than what the Law allows) towards which they would neither ask the Dissenters nor the poor, That the Congregations of the several preaching Stations, which are no less than six and twenty, should each respectively build their own chapels, with which some are already provided, and others are a providing, So that they shall not, who make any disturbance in the county, pretend to say it is occasioned by the oppressive Tax or Tyranny of the church. That an Induction obtained, the right of taxing would be preserved, though not to be exerted until an opposition would be of no avail on their parts who refused, as to their disturbing the peace of the county. — They propose not to meet again or qualify as yet, and if they do to proceed no further than the choice of two church wardens who are to be Cyphers, To have a general Petition of the Inhabitants Members of the church addressed to your Excellency, the Council and Assembly, stating the case and seeking redress as to such evasive practices, for the future, as to the present the establish-

ing them for a Vestry, for the remainder of the year, with all due defference and submission to the determinations of the Legislature.

I must assure your Excellency, the people of the Church of England are very numerous, above Five thousand Souls, I think I do not exagorate for there are parts on the extremity of the Parish of which there is no certain Account which hath been owing to the severity of the winter and the height of the waters; am certain the Dissenters are not a fourth of the people found, the representations of those who live in Salisbury very erroneous, Knowing very little of the distant Settlements. I am so circumstanced as sometimes to preach four times in six 'days, and do other offices of the church, being desired by the people, I cheerfully do it, Have christened now 370 children, and many yet behind live mean, lye hard, but they do the best for me they can. I could methodize my duty, so to give satisfaction equal to the people, and easier to myself as I now become acquainted with the situation of the people, of which I could attain but imperfect accounts, I have found fifty families where they told me there was not Ten, should your Excellency see proper to grant me the favor, which the people ask of Induction, and I have so much respect to your character, as a Gentleman, and your Dignity as a Governor not to tell you an untruth, when I assure you it is the general desire and I also join with them in asking the favor. What prevails with me is, if I quit, it will discourage them so that the Church of England may not for many years be established, if ever, as the power of the opposers will be strengthened, the growing generation will be seduced, and carried away into some Sect or other, so become the worst Subjects, and there is some shew of latent embers which may in time become a dangerous fire, proceeding from a Northern influence though artfully and secretly covered at present, which the People should be secured against, and a jealous Eye to watch and discover the proceeding. Its being a delightful Climate and in which I have my Health extremely well is the only personal satisfaction which I can prove. For from fraud on the one hand, which I cannot oppose without being contentious, and the poverty of the people as to money on the other, have not made for Marriages, the only Fees I have, Ten Dollars.— Many of the Magistrates taking the liberty to Marry, and say they will, and that they have an equal right with any Clergyman, for who are they.

I entirely submit it to your Excellency's superior judgment and goodness, and shall cheerfully acquiesce in what you shall be pleased to determine, and though the second List, or Nominal Vestry, in the Eye of the Law may be only Apocryphal, yet as to the Members of the Church of England giving their approbation of your humble Servant I doubt not it will appear as a good Testimonium, And in point, being the representative Body of the Church here, as to the interest of your Excellency's Letter, And if Induction is thought proper to be given your Excellency may be of Opinion, it could not be that the Commission be directed to them as a Vestry, but to the Sheriff. I beg leave to observe as there is no ordinary, or Arch-deacon to whom the Induction can be directed, and in England where they ----- have no Jurisdiction, the Induction is always by the Sheriff as to the King's free chapels. There being no Select Vestry at Common Law, the whole Body of the Householdiers are a Vestry, and if it was essential a Select Vestry to give a legality to the Induction, they cannot by a deceitful act prevent the execution of the right of the Crown. It is a maxim even in Equity, He that will have Equity must do Equity. But with the Sheriff I would beg leave to say might not the second List be added by their names in the Commission without noticing them as a Vestry, and the power given either to the Sheriff, or to any two or three of them of such Induction. This would prevent ill success in the execution from double dealing, too common a practice here, though masked under pretence of a sincere zeal for your service.

I am now on the county Line, and forward this by the way of Hillsborough, where the post comes every fortnight. Your Excellency's commands to me under cover directed to M<sup>r</sup> Cook, Col: Fanning or M<sup>r</sup> Nash would come to my hand; all arts will be used to intercept, or secrete anything of this sort, if suspected, which makes me so particular, blushing for fear of the imputation of impertinence. But I am sensible of your Excellency's great avocations to more material affairs, and was desirous of perplexing your thoughts as little as might be.

I assure your Excellency I entirely submit to your determination, I have spent a long time here without the satisfaction of my family, and should wish to be at some certainty now, either as to stay or leave while I have the fall before me, and I have not, neither shall I write to England, as to the state of the church, and what I am doing, though they may censure me as indolent and remiss until

the affair is settled. — Your Excellency may depend on my gratitude expressed by a faithful discharge of my duty, if honored with an Induction, but be assured your pleasure herein is mine, and I shall always acknowledge myself Sincerely to be,

Your Excellency's most dutiful &c.

THEODORUS SWAINE DRAGE.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Lord Hillsborough.

NEWBERN the 7<sup>th</sup> June 1770.

On the 16<sup>th</sup> of April last I made an excursion to Charles Town, in expectation of obtaining Governor Bull's concurrence to the dividing line I proposed to his Majesty to be continued between the Carolinas from the Eastward boundary of the Catawba lands (where Commissioners agreeable to royal instruction stopped in 1764) a due west course till it intersects the partition line dividing this province from the Cherokee nation.

Mr Bull who behaved in the most polite manner to me the eight days I remained in Charles Town, could not be induced to deviate from the partition he said he had recommended home, however he gave me authority to declare to your Lordship, that he agreed with me in opinion that there was an absolute necessity to close the line of the two governments as soon as possible, in order to put a stop to the disorders daily increasing on the western frontiers of both bordering upon the undivided tract included between the Catawba lands and the Cherokees; its extent from east to west computed at upwards of eighty miles: A tract of country settled with inhabitants who receive neither law nor gospel among them, denying they are in the Jurisdiction of any government. Such lawless settlers on our frontiers I apprehend may soon provoke the Cherokees to commence hostilities. On the part of this province therefore I beg leave to refer your Lordship to my letters of the 12<sup>th</sup> of December 1768 (N<sup>o</sup>. 10) and 11<sup>th</sup> February 1769 (N<sup>o</sup>. 22) with the inclosures in the former and shall rest the propriety of continuing the present temporary line a due west course, in preference to any traverse lines, on the candor, equity and truth of the arguments stated in those letters.

My satisfaction was not limited wholly to a view of opulence and beauty of the metropolis of South Carolina. I had the pleasure of finding there my very worthy friend Sir William Draper, who made

me happy in his company three weeks in this government and sailed from hence the 24<sup>th</sup> of last month for Virginia.

The palace being in such forwardness as to afford me a residence I am just removed into it from Brunswick. The whole structure I am in expectation will be completed by next Christmas.

I still wish furniture may be obtained and precedent cease to be a bar to so well directed a liberality.

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[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Hillsborough.

NEWBERN the 8<sup>th</sup> June 1770.

By the receipt of your Lordship's correspondence numbered 31, I am informed my dispatches N<sup>o</sup>. 40, 41, 42 & 43, have had the honor of having been read before the King.

It gives me concern to find your Lordship express your apprehensions that what was recommended by the Board of Trade, in respect to the allowance I proposed to be made to the members of the Council, may have met with some difficulty at the Treasury Board. Your Lordship may rest satisfied that every honor his Majesty confers, and every support and encouragement the Sovereign gives, to the members of his Council of this Colony, will strengthen the bond of civil society, and the good order of Government; reasons perhaps not less important than the arguments set forth in the Councils memorial to his Majesty for his royal consideration of the peculiar difficulties of their situation. As I remain under conviction that there is both reason and justice in this proposition, I hope I may congratulate the gentlemen of the Council on your Lordships assistance, the Treasury Boards approbation, and his Majesty's most gracious concurrence to this business.

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[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Lord Hillsborough.

NEWBERN 2<sup>d</sup> July 1770.

Agreeable to your Lordships desire expressed in your dispatch N<sup>o</sup> 32 I have herewith the honor to inclose an estimate of all the monies that have been emitted &c in this government since the year 1748

(the time of the first grant of proclamation money) shewing the periods of the respective grants the purposes to which the money was appropriated and the taxes that were laid to sink the same.

I also inclose your Lordship an account, as perfect as can be obtained of what sums have been collected—and burnt agreeable to the Acts of Assembly. By comparing these two estimates your Lordship will observe that £58,535 14 8 still remain outstanding. The Council and Assembly coming to a resolve in 1768 that the tax of one shilling per poll for sinking the £12,000 granted in the year 1760, and the tax of two shillings per poll for sinking the £20,000 granted in the year 1761, had had their effect, and the country afterwards agreeing in the same opinion (tho' I rejected the Resolve not being satisfied for want of information) One shilling per taxable, and four pence per gallon, on spirituous liquors imported, have been collected only for the last two years, which taxes are supposed to continue until they sink all the Proclamation money now in circulation.

The £20,000 certified notes that were emitted to satisfy the troops at the Hillsborough expedition in 1768, and other outstanding demands on the public, are not considered as proclamation money, being merely promisory notes, without a legal tender, yet such is the necessity and avidity of the country for a medium to trade with, that these notes circulate as freely as the proclamation money.

The repeated assurances your Lordship has given me of the favorable sentiments you entertain of my conduct in my public station, and the honorable manner in which you have expressed those sentiments to our royal master, have not only laid claim to my gratitude, but naturally led me to hope I should have gathered some fruit from such promising blossoms: I cannot therefore but lament the information that diverted your Lordship from carrying your intentions towards me into execution, when the government of New York became vacant.

I feel the properest sense of his Majestys most gracious indulgence to my humble request made for leave to [go to] England for one year from last spring twelve months, The instrument for which, under the sign manual, your Lordship is so obliging as to promise to send out to me by the next conveyance.

The copy of the merchants' memorial to your Lordship respecting the naval stores from this colony, shall be laid before the next General Assembly (prorogued to the 30<sup>th</sup> of November next) for their adoption of so many of the regulations therein proposed, as shall be ght advantageous to the purposes intended.

[B. P. R. O. AMERICA & WEST INDIES. VOL. 217.]

An Estimate of Monies emitted and raised in the Province of North Carolina from the year 1748 — Showing to what purposes the same was applied, by what Taxes sunk, &c.

TIME OF EMIS- SION & GRANT.	SUMS EMITTED IN PROCLAMA- TION BILLS.	SUMS EMITTED IN INTEREST NOTES.	TO WHAT PURPOSES APPLIED.	TAXES TO SINK THE SAME.
April, 1748 . . . .	£21350		£ 2000 For a Fort at Occacock Inlet . . . . . 1500 do at Topsail Inlet . . . . . 500 do at Bar Inlet . . . . . 2000 do at Cape Fear River . . . . . 15350 For publick debts & contingencies of Govt £21350	One shilling Poll Tax to be collected until the whole sum is paid into the Treasury and burnt.
February 1754	40000		12000 For the Virginia expedition . . . . . 2000 Fort Johnston . . . . . 2000 Fort Granville . . . . . 1000 Anson and Rowan Counties . . . . . 4200 The payment of Public Debts . . . . . 6000 Public Schools . . . . . 7200 Churches and Glebes . . . . . 2000 Public Buildings . . . . . 2800 Contingencies of Government . . . . . 800 To Com <sup>rs</sup> for stamp <sup>s</sup> & pay <sup>s</sup> out the money £40000	The above Tax continued and 4d. per gallon on all spirituous liquors im- ported to be collected until the whole sum is paid in and burnt.
Sept <sup>r</sup> 1756 . . . .		£3400	For the Western Frontiers . . . . .	2s. Poll Tax for the year 1757 and 2d. per gallon on all liquors imported in one year, surplussage to be applied to the contingent charges of Government
May 1757 . . . .		5306	For the assistance of South Carolina . . . . .	4s. 6d. Poll Tax for the year 1757, and Tax on suits at Law to raise a sum to discharge this emission.



AN ESTIMATE OF MONIES EMITTED, &c. — *Continued.*

TIME OF EMIS- SION & GRANT.	SUMS EMITTED IN PROCLAMA- TION BILLS.	SUMS EMITTED IN INTEREST NOTES.	TO WHAT PURPOSES APPLIED.	TAXES TO SINK THE SAME.
Novemb <sup>r</sup> 1757		£9500	£7000 For three Companies for the Service of this Province ----- 2500 For payment of Public Debts -----	{ 6s. 6d. Poll Tax for the year 1758, sur- plussage to be applied to contingent charges of Government. 4s. 6d. Poll Tax for the year 1759 and 2d. p <sup>r</sup> . gallon on all liquors imported in four years, surplussage to be applied to contingent charges of Government. 3s. 1d. Tax for 1760. Surplussage to be applied to contingent charges of Gov- ernment.
April 1758 -----		7000	For the assistance of General Forbes -----	{ 1 shilling Poll Tax to commence Jan- uary 1763 and continue till the whole is collected and paid.
Novemb <sup>r</sup> 1758		4000	For two Companies for Forts Granville and Johnston -----	{ 2 shillings Poll Tax to commence Jan- uary 1764 and continue till the whole is collected and paid.
June 1760 -----	£12000		7000 For the Cherokee Expedition ----- 2000 Premium to persons killing Indians ----- 3000 Payment of Public Debts -----	
March 1761 -----	20000		For raising 500 men for the service of Vir- ginia and South Carolina -----	

## NORTH CAROLINA.

An Account of Money paid into the Treasury on the Sinking  
Funds and burnt.

WHEN BURNT.	PROCLAMA- TION BILLS.	INTEREST NOTES.
	£ s. d.	£ s. d.
1749 — April 14 -----	189 13 3	-----
1750 — April 6 -----	513 12 0	-----
1751 — October 9 -----	527 14 4	-----
1752 — April 10 -----	1090 17 6	-----
1753 — April 11 -----	739 6 8	-----
1754 — February -----	337 17 3	-----
1755 — January 11 -----	958 1 4	-----
October 15 -----	938 15 10	-----
1756 — October 21 -----	1809 0 5	-----
1757 — November 29 -----	1986 13 5	2540 0 0
1758 — December 22 -----	1701 10 11	7843 0 0
1760 — January 9 -----	1143 5 4	-----
May 27 -----	-----	1260 19 3
December 1 -----	1479 2 5	3113 0 3
1761 — April 21 -----	105 13 3	513 1 3
1762 — April 27 -----	2057 19 11	5124 14 9
December -----	1710 15 11	1119 8 9
1764 — March 7 -----	1140 9 8	1673 12 6
November -----	7171 0 8	1958 10 1
1766 — November -----	3786 7 8	1711 11 2
1768 — January -----	7774 9 7	-----
	37162 7 4	26857 18 0

[B. P. R. O. AMERICA & W. IND. N. C. VOL. 218.]

## Copy of Charter to the Inhabitants of Hillsborough

GEORGE THE THIRD BY THE GRACE OF GOD OF GREAT BRITAIN,  
FRANCE AND IRELAND, KING DEFENDER OF THE FAITH AND SO  
FORTH.

To all and singular our Faithful Subjects, Greeting:

Whereas a part of our Province of North Carolina in Orange  
County by an Act of the General Assembly of our said Province

hath been erected into a Town and called by the Name of Hillsborough and many of our loving subjects have settled themselves and Families within the same. Know ye that we being willing to incourage all our good and faithful subjects as well at present residing & inhabiting as those who shall hereafter become Residents and Inhabitants of the said town of Hillsborough of our Royal Grace Good Will, certain knowledge and mere motion have given and granted and by these Presents for us our heirs and successors do give and grant to all Freeholders of the said Town legally qualified full power and authority to name elect and send one Person having a good Title in Fee simple to a Lott of Land consisting of one acre within the said Town to represent the same in the house of Assembly of our said Province of North Carolina and therein to sit vote, do and consult to those things which by the General Assembly of our said Province shall happen to be done or enacted. And we do hereby grant and order that a Writ of Election for a Member of Assembly to represent the said Town shall be issued and sent to the Sheriff of the County of Orange for the time being when and so often as an Assembly shall be called or occasion require, and that at such Election the said Sheriff or his Deputy shall attend at the Court House in the said Town and there take the votes of those who by this Charter are intituled to vote in a fair and open manner after Proclamation made by entering in a List the name of each voter who shall vote at such Election and the Poll shall be kept open until sunset unless the Candidates there present shall agree to have it closed sooner then the Sheriff or his Deputy before whom such Election is taken shall cast up the number of Votes given for each candidate and shall declare the person who has the greatest number of votes duly elected a Member of Assembly for the said Town and in case of an Equality of votes between the Candidates or any two of them then shall the Sheriff or his Deputy before whom such Election was made give the casting vote Provided always that all such Electors shall before they or any of them are allowed to vote at such Election make Oath of his Qualification if any Candidate or Person in his behalf shall require the same. And further we of our Special Grace, certain knowledge and mere motion for Us our heirs and successors by these Presents do give and grant to the Inhabitants of the said Town of Hillsborough forever full power and authority to have hold and keep a Market weekly at the said Court House in the said town of Hillsborough that is to say on

every Saturday throughout the year with all the priviledges immunities to a weekly public market belonging or pertaining And also two Fairs yearly to be held and kept at the said Court House on the first Tuesdays in May and November to continne for that and the two following days for the sale and vending all manner of black Cattle, Provisions Goods Wares and Merchandizes whatsoever and that during the continuance of the said Fair and for one day immediately preceding and one day immediately succeeding the same all persons coming to bring at and going from the said Fair together with their black Cattle Goods Wares and Merchandizes whatsoever shall be exempt and priviledged from all arrests and attachments and executions except for Breach of the Peace and for carrying into Execution the Judgments Orders and Decrees hereafter mentioned. And we further give and grant full Power and Authority to the Justice of the Peace of the said County of Orange for the time being or any three of them, summarily to hear and determine all such Controversies and Debates as may during the continuance of the said Fair arise among the Buyers and Sellers in the Course of their Dealings and Transactions at the Fair in as full and ample Manner as is incident to a Court of Pie Powder in all such cases in our Kingdom of Great Britain. In Testimony whereof we have caused these our Letters to be made patent — Witness our trusty and well beloved William Tryon Esquire our Captain General and Governor in Chief in and over our said Province at Newbern this ninth day of July in the year of our Lord 1770, and in the tenth year of our reign.

W<sup>m</sup> TRYON.

• [N. C. LETTER BOOK S. P. G.]

Governor Tryon to the Reverend M<sup>r</sup> Drage.

NEWBERN 9<sup>th</sup> July 1770.

SIR,

I lament to find by your Letter of the 29<sup>th</sup> of May last, that you have met with so unjustifiable an opposition to your Establishment in St. Luke's Parish, while at the same time I congratulate you on the laudable and virtuous support you have experienced from the friends of the Established Church, a Religion that was engrafted upon, and grew up with the Constitution of this colony, A Religion that has ever since been recognized and upheld, and was by Act of the Legislature in 1765 established upon the most solid foundation.

The intemperate zeal of the Dissenters I am inclined to believe arose from mistaken principles. Their Seniors must know their persuasion is a Sect under the Act of Toleration, and the limited powers granted them by the Legislature of this country.—This is ever implied in His Majesty's Instructions to me wherein He commands me to permit a liberty of "conscience to all persons (except "Papists) who are contented with a quiet and peaceable enjoyment "of the same, not giving offence or scandal to the Government."

I confess I have a pleasure in acknowledging myself greatly obliged by the support the presbyterians have afforded Government in my administration, and it will be a circumstance of peculiar concern to me to have them sully the merit of their late public services, by pursuing measures which are in manifest violation of the rights and liberties of their fellow citizens, by throwing difficulties and obstructions in the way of the maintenance and free exercise of a Religion established by the Laws of their Country. I would appeal to the reason and judgment, and not to the passions of those Gentlemen, how far it may prove impolitic in the issue, to the interests of their persuasion should they carry any further their opposition to the legal Settlement of a Clergyman in St Luke's Parish—I claim no concessions but what are equitable and constitutional, but the Rights of the Country as well as those of the Crown, It is my duty to maintain as long as I am invested with such important trusts.

If after your presentation and Induction, the Letters for which I herewith have the pleasure to send you, you should apprehend the least difficulty would attend the collection of your Salary in the County, the memorials you mention to be presented to the next General Assembly from the Members of the established church, would be a very equitable and expedient measure, and I have not the least doubt but they will meet with proper redress.

I entertain the highest opinion of the temper, moderation and good sense with which you have conducted yourself through this whole business, and which I consider as an earnest of the blessings your parishioners will receive from your Ministry.

I should be glad to obtain at the next Assembly a List of such Members of the Church of England as are qualified to serve in the commission of the peace as the Council may think it advisable to add some of those Gentlemen to the present Commission.

I am Sir with much regard &c

WILLIAM TRYON.

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[REPRINTED FROM WILLIAMSON'S HISTORY OF NORTH CAROLINA.]

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Extracts of a petition from sundry Inhabitants of the County of Rowan.

TO THE GOVERNOR, HIS MAJESTY'S HONORABLE COUNCIL AND THE HOUSE OF BURGESSES OF NORTH CAROLINA.

The petitioners complain "That his Majesty's most dutiful and loyal subjects in this country who adhere to the liturgy and profess the doctrines of the Church of England as by law established have not the priviledges and advantages which the rubrick and canons of the Church allow and enjoin on all its members. That the Acts of Assembly calculated to forming a regular Vestry in all the counties have never in this county produced their happy fruits. That the County of Rowan above all Counties in the province lies under great disadvantages as her inhabitants are composed almost of all nations of Europe and instead of uniformity in doctrine and worship they have a medley of most of the religious tenets that have lately appeared in the world, who from dread of submitting to the National Church should a lawful Vestry be established, elect such of their own community as evade the Acts of Assembly and refuse the oaths whence we can never expect the regular enlivening beams of the Holy Gospel to shine upon us.

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[FROM N. C. LETTER BOOK. S. P. G.]

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Governor Tryon to the Vestry of St. James' Parish.

PALACE AT NEWBERN July 17<sup>th</sup> 1770.

GENTLEMEN,

I have had the satisfaction to receive by your direction a Letter dated 11<sup>th</sup> of May from Mess<sup>rs</sup> Ancrum and Wilkinson, Church wardens of S<sup>t</sup> James' Parish, wherein the Reverend M<sup>r</sup> Wills is declared to be a Gentleman worthy of his sacred Function. In consideration therefore of such honorable Testimonial and M<sup>r</sup> Wills desire to receive Letters of presentation and Induction for your parish, I have complied with such desire remaining under the clearest conviction that I have a full right to do so, and which I esteem my

unbounded duty to perform, however finding by the above mentioned Letter that "you conceive from the best information you can procure that no power of presentation or Induction is lodged in the Crown by any Act of Assembly in this Province."

I have this favor Gentlemen to request of you that you will continue to extend your good offices and friendly notices to M<sup>r</sup> Wills until a better Title to presentation can be set up and established, than what I claim under the Crown.

I am &c,  
W<sup>m</sup>. TRYON.

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[B. P. R. O. N<sup>o</sup>. CAROLINA. B. T. VOL. 16.]

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Letter from Henry E. McCulloh to Earl Hillsborough

18<sup>th</sup> JULY 1770.

MY LORD,

I am to intreat Your Lordship to obtain for me, His Majesty's gracious acceptance of a resignation of my seat as a member of Council for his Province of North Carolina. Permit me very humbly & truly to add, that I shall ever retain the most grateful sense of the honor conferred upon me by my appointment to the said Office, & that my only motive for resigning is, that as I do not intend to return soon to Carolina, I am not in a Situation to discharge the Duties of it

I have the honor &c<sup>a</sup>  
HENRY E. McCULLOH.

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[FROM N. C. LETTER BOOK. S. P G.]

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Letter from Governor Tryon to the Secretary

PALACE AT NEWBERN  
July 22<sup>d</sup> 1770.

SIR,

If I have delayed punctually answering the favor of your Letters of the 12<sup>th</sup> June, 3<sup>rd</sup> July and 16<sup>th</sup> August 1769—I have not failed to keep steadily in view the Recommendations of the Society in behalf of M<sup>r</sup> Jones and M<sup>r</sup> Drage. The former I have fixed in S<sup>t</sup>

Stephens Parish Johnston County, to the satisfaction of the Inhabitants, Mr Drage has met with great difficulties in his Establishment and probably will have many more yet to struggle with. At his request I with pleasure sent him Letters of Presentation and Induction for S<sup>t</sup> Lukes parish Rowan County. Copies of his Letters to me and mine in answer, all of which I herewith transmit to you, will certify the difference that subsists in religious opinions in that part of the Province. I conceive the firmness of Mr Drage's conduct claims the protection and countenance of the Society.

Mr Johnston who was ordained at my recommendation\* by the Bishop of London at about the same time with M<sup>r</sup> Burgess, I last week presented to Society Parish Bute County, as he is a sensible and prudent young Man, I have favorable expectations from his Ministry.

I have also given to Mr. Wills, Letters of Presentation and Induction to S<sup>t</sup> James' Parish New Hanover County, copies of the correspondence that passed between the Vestry and myself on the subject of Mr. Wills presentation accompanies this Dispatch. I Directed the Letter of Induction to the Reverend Mr. Cramp, who was last year presented to S<sup>t</sup> Philips Parish Brunswick county. These two gentlemen I must desire leave, through your good offices warmly to recommend to the Society for a Mission to each, of Thirty pounds per annum without limitation. They accepted of their respective parishes on the condition that I would obtain for them the above Missions. Mr. Cramp declined accepting of the parish of George Town in South Carolina, valued at £1000 South Carolina currency per annum in full assurance of my success with the Society in his behalf. Both Mr. Wills and Mr. Cramp stand in need of the support recommended on account of the peculiar difficulties of their situation and the backwardness of the Inhabitants to acquiesce in their Establishment.

Your correspondence of the 16<sup>th</sup> of August last afforded me much satisfaction as it conveyed to me the very flattering testimony of the Societys approbation of and encouragement given to my endeavours to promote the cause of the mother church, my success must in a great measure depend on their generous support for as there are many Engines employed to countermine my operations the liberality of the Society in support of the clergy is the strongest Battery under the present circumstances of the country, that can be opposed to the enemies of the church. His Majesty having been graciously



pleased to indulge me with one year's leave of absence from my Government next Spring, I hope to have the honor of giving more satisfaction to the Society by a personal conversation with them on the state of the clergy here than I can hope to convey to them in a literary correspondence, at the same time I shall be happy in embracing your most obliging invitation to a particular acquaintance with you, with all due acknowledgements to the honorable Society and much esteem for yourself.

I am Sir, with regard &c.

W<sup>m</sup>. TRYON.

[FROM N. C. LETTER BOOK. S. P. G.]

List of the Clergy in North Carolina.

July 1770.

COUNTY.	PARISH.	NAMES.
Beaufort	S <sup>t</sup> . Thomas's	Mr. Stewart
Bertie	Society	Mr. Johnston
Brunswick	S <sup>t</sup> . Philips	Mr. Cramp
Bute	S <sup>t</sup> . John	Mr. Cupples
Chowan	S <sup>t</sup> . Paul's	Mr. Earl
Craven	Christ Church	Mr. Reade
Dobbs	S <sup>t</sup> . Patrick	Mr. Millar
Duplin	S <sup>t</sup> . Gabriel	Mr. Briggs
Edgecomb	S <sup>t</sup> . Mary	Mr. Burgess Jun <sup>r</sup>
Granville	Granville	Mr. M <sup>c</sup> Carty
Halifax	Edgecomb	Mr. Burgess Sen <sup>r</sup>
Hertford	S <sup>t</sup> . Barnabas	Mr. Alexander
Johnston	S <sup>t</sup> . Stephen	Mr. Jones
New Hanover	S <sup>t</sup> . James	Mr. Wills
Northampton	S <sup>t</sup> . George	Mr. Barnett
Orange	S <sup>t</sup> . Matthew	Mr. Micklejohn
Pasquotank	S <sup>t</sup> . John	Mr. Fiske
Rowan	S <sup>t</sup> . Luke	Mr. Drage

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Letter from Henry E. McCulloh to Colonel Fanning.

LONDON 25<sup>th</sup> July. 1770.

DEAR SIR,

When I reflect upon the nature of that Intimacy which subsisted between us for so many years, I own myself hurt by that neglect which I appear to experience from you, and which I am by no means conscious of having deserved. — The last letter I have from you, bears date in December 1768, — since which, I have wrote you several long and friendly letters; — particularly by Col<sup>o</sup> Waddell, inclosing you sundry papers which I exerted myself to procure for your satisfaction. — I esteem and regard you as sincerely as any of your friends can do, — and shall be very sorry to find myself deprived of your Correspondence; but I must confess, if this letter does not procure me the favor of hearing from you, I shall conclude myself an Intruder, and cease to persecute you any more with my letters.

Permit me to refer you to our common friends, J. M., A. M. & J. H. for news, public and private. — I shall rejoice to hear from you, and of your health & happiness. My very sincere and affectionate wishes ever attend you.

Think me ever truly Yours,

HENRY E. McCULLOH.

4<sup>th</sup> August 1770.

D<sup>r</sup>. S<sup>r</sup>. I this day meet yours of the 24<sup>th</sup> April 1770, inclosing me sundries. I am amazed that the Court could see *any possible constructive uncertainty* (in the Opinion I sent you) *as to the Criminaliter et Scienter* of your case. — *Clearly, & in totidem verbis, they pronounce in your favour.* I refer to the inclosed letter wrote apart — as you may make use of it.

I meet no bill from M<sup>r</sup> Hamilton. — I hope to inclose J. M's Opi<sup>a</sup> as to your new Q — whether you ought to be exculpated? — One of the Opinions you desire shall be taken. — Strange! that *in such a case*, the Court should think any Man's Opinion *so proper to direct them*, as the Attorney Gen<sup>l</sup> of England.

I did not expect M<sup>r</sup> Hooper would have chose to appear against me. — I owe him no kindness for it. — I wrote J. F. on the subject: desire him to let you see the Paragraph, & I recommend it to you

as *my friend* to consider the Contents in the same light I desire Col. Frohock to do.—M<sup>r</sup> M Jones sometime ago sent me a copy of the bill.—If your Chan<sup>cy</sup> is not mad, they will not think they possess jurisdiction.

Knowing you do not attend that Court, I had not tho<sup>t</sup> of troubling you to that purpose. Sho<sup>d</sup> you give yourself that or any other trouble in this suit, pray call upon my cousin Ben for such a recompense as you may determine proper.

I sincerely wish to approve myself your true & affectionate friend, & hope you do, and ever will do me the justice to think so.

I am most truly Dear Sir thine

H. E. McCULLOH.

P. S. I have the pleasure to add J. M.'s further Opinion, which I think sufficiently strong to convince Infidels; and if so, certainly the Hon<sup>ble</sup> Justices of your Hon<sup>ble</sup> Court. Serjt. McGlynn or Dunning I am now informed, will not be in town till Nov<sup>r</sup>.—The Court if they are fools enough to think it needful, may adjourn till April next.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Letter from Henry E. McCulloh to Col: Edm: Fanning,

LONDON 4<sup>th</sup> Aug<sup>t</sup> 1770.

DEAR SIR,

I this day meet your letter of the 23<sup>d</sup> April last, desiring me to procure Serjt: Glynn's or M<sup>r</sup> Dunning's Opinion of your case, so as to be forwarded to you by the 22<sup>d</sup> Sep<sup>t</sup>. That in the nature of things, is now impossible;—those gentlemen being at this time, absent on the Circuit.—They will return in 4 or 5 weeks, when the Opinion shall be procured & forwarded with all possible dispatch. The Vessel by which this goes, sails on the 6<sup>th</sup>.

I had warm hopes that the Opinions sent you, would have prevailed *fully* in your favor, as to the *quo animo*, the *Criminaliter et Scienter* of your Case, they are most strong & clear in your favour and exculpation; and surely in the Case before us, no Man's opinion can have equal weight & authority with that of the Attorney-General of England.

I have no doubt the Court will be pleased to continue this *Advisari* such reasonable time as to allow the Opinion desired, to reach you.

I am Sir Your Obed: Servant  
HENRY E. M'CULLOH.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Indictment against Fanning and an English opinion in regard thereto.

NORTH CAROLINA }  
Hillsborough District }

At a Superior Court of Justice begun and held for the District of Hillsborough at the Town of Hillsborough on the Twenty second day of March in the Ninth year of the Reign of our Sovereign Lord George the third by the Grace of God of Great Britain, France and Ireland, King Defender of the Faith &c, and in the year of our Lord one Thousand Seven Hundred and Sixty Nine, Before the Honourable Martin Howard Esquire, Chief Justice and Richard Henderson Esquire his Associate Justice of the said Court.

The Jurors for our Lord the King upon their Oath Present that Edmund Fanning late of Orange County Esquire on the Tenth day of May in the Seventh year of the Reign of our Sovereign Lord George the Third King of Great Britain &c at Orange County aforesaid by Colour of being Register of the said County of Orange Unlawfully Upjustly and Extorsively did demand receive and have of one Adam Moses the sum of six shillings proclamation Money for and as a Fee for Registering a Deed from one Henry Bray and Sarah his wife to the said Adam Moses for Two Hundred Acres of Land lying in Orange County whereas in Truth and in Fact there was then no such Fee due to the said Edmund Fanning as Register of the said County of Orange in that behalf to the great Damage and Oppression of the said Adam Moses and against the Peace of our said Lord the King his Crown and Dignity.

T. M'GUIRE, A. G.

I think this Indictm<sup>t</sup> vague & uncertain, so that it could not be supported, on a Writ of Error — There are not any of y<sup>e</sup> Indorsements

mentioned (tho' that is matter of Evidence)—Nor any peculiar specification of the Deed — not even the date — nor any other Marks, whereby it could be distinguished from another, between persons of y<sup>e</sup> same names, for the like quantity of Land in y<sup>e</sup> same County — And for other reasons, unnecessary to Enumerate.

JOHN MORGAN.

INNER TEMPLE, 6<sup>th</sup> Aug<sup>t</sup> 1770.

With respect to the last question, on M<sup>r</sup> Fanning's Case, I conceive a full answer is given in my former opinion. [See page 33 *ante*. — EDITOR.] I do not see the least foundation, for criminating the Defendant, and I am therefore clearly of opinion, he ought, in every respect, to be Exculpated.

In my opinion on the Second Question, I observed that a Prosecutor had his Election, either to proceed for the Penalty, by action; or for *Criminal* punishment, by Indictment.

This, perhaps, hath induced a Supposition, that I doubted, with respect to the Case in question. But, if my answer is reconsidered, I apprehend 'twill clearly appear, I was only attempting to Elucidate (if it required any Elucidation) the *Second* section of the Act of Assembly, & to shew that it doth not restrain the operation of the *Common Law* — Yet I had not, nor could I have it in contemplation to apply any Criminality to M<sup>r</sup> Fanning.

JOHN MORGAN.

INNER TEMPLE, 6<sup>th</sup> Aug<sup>t</sup> 1770.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA

Newbern 24<sup>th</sup> August 1770

These are to Certify that Samuel Cornel Esq<sup>r</sup> having produced His Majesty's *Mandamus* bearing date the 10<sup>th</sup> day of May 1770 appointing him to be of His Majesty's Council for this Province in the Room of Edward Brice Dobbs Esq<sup>r</sup> this day took the Oaths before me as by Law required & Subscribed the Test, in presence of The Hon<sup>ble</sup> John Rutherford and Robert Palmer Esq<sup>rs</sup>.

W<sup>m</sup>. TRYON.

Let it be Entered in the Council Journals  
By His Excellency's Command

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[FROM THE COURT RECORDS OF ROWAN COUNTY.]

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NORTH CAROLINA }  
 Rowan County } Inferior Court August Term 1770.

\* \* \* \* \*

The Presbyterian Congregation of Cathey's settlement by their Elders and others have signified and in open court certified to the justices thereof that they have built a meeting-house in the settlement aforesaid, called and known by the name of the Presbyterian Frame meeting house for the public Worship of God according to the deceipline of the Church of Scotland, 'tis therefore ordered by the Court,

That the said Presbyterian Meeting-House be deemed and held a public Licensed Meeting-House and that all those who shall hereafter meet therein shall be intituled to all the Immunities and priviledges granted by the several Acts of Parliament in such case made and provided and also that the above certificate and this order be Registered.

\* \* \* \* \*

This day came into open Court Andrew Allison Esquire late High Sheriff for the County of Rowan and tendered a settlement of his Collections of taxes for the af<sup>sd</sup> County for the year 1768 and made oath in open court that he had collected only 205 taxes for that year and offers for reasons as follows, That owing to a refractory disposition of a set of people calling themselves Regulators refusing to pay any taxes or other publick money to a sheriff or any other officer whatsoever by which means many well disposed people neglect to discharge their public dues as the burden must consequently fall very heavy on the well meaning few and desires to be recommended to His Excellency the Governor, Council & General Assembly for such Redress as they in their wisdom shall seem meet.

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NORTH CAROLINA }  
 Salisbury District } to wit,

At a Superior Court of Justice begun and held for the district aforesaid at the Court House in Salisbury on the twelfth day of September in the (X) tenth year of our reign Anno Domini 1770.

Present

The Hon Rich<sup>d</sup> Henderson Esq.

The Hon Court adjourned till tomorrow morning at 10 o'clock.

Met according to adjournment.

Present

The Hon Rich<sup>d</sup> Henderson Esq.

\* \* \* \* \*

This day Waigtstill Avery Esq produced in open Court a commission from his Excellency William Tryon Esq, thereby constituting & appointing him the said Avery as a practicing Attorney within the province, He having qualified in open court according to law.

The Honourable Court adjourned till 10 o'clock tomorrow.

Met according to adjournment.

Present

The Hon Rich<sup>d</sup> Henderson Esq.

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[N. C. LETTER BOOK, S. P. G.]

Letter from Mr. Barnett to the Secretary.

NORTHAMPTON NORTH CAROLINA.

15<sup>th</sup> September 1770.

REVEREND SIR,

It is with difficulty I at this time address myself to the Venerable Society; as I have largely partaken in the general calamity of a peripneumony Fever attended with an almost constant bilious vomiting and trembling which two last complaints yet continue, however I thank God I am able to attend all my four chapels though with difficulty and to resume my customary preaching on week days in the out parts of the parish and which I never fail one or two days in a week for two months Spring and Autumn when health permits.

The parish is very extensive about sixty miles in Length, but of a very unequal breadth being bounded by the Virginia Line and the two great Rivers Roanoke and Meherrin.

Last Saturday Monday and Wednesday, two, three and four New Light Baptist teachers attended our service with many of their people: the teachers, I am informed have since delivered themselves in more respectful terms of the Church of England than they were before accustomed.

That Sect has very much encreased in the country around us: however I am in great hopes that frequent weekly Lectures will fix the wavering, and draw back many of those who have strayed from us.

You was pleased, Sir, in your last favor I received to promise some Bibles, Testaments and Prayer Books &c. I am ignorant whether they arrived but in this part of the Province we have hardly any communication with Cape Fear. If you will be pleased to send some they will be of great service at this time as few people have any of the latter especially.

The Bearer, Mr. Rogers comes to England to offer himself a candidate for Holy Orders. I have known him upwards of two years, & do think he merits the general esteem he meets with, as a steady, religious good man.— I am Reverend Sir —

Yours &c.  
JOHN BARNETT.

[B. P. R. O. AMERICA & W. INDIES. VOL. 274.]

- Circular—Most secret and Confidential—To the Governors of North Carolina and eighteen other Colonies which are named.

WHITEHALL 28<sup>th</sup> Sept 1770.

The King having received advices that the Spanish Gov<sup>r</sup> of Buenos Ayres hath thought fit to dispossess His Majesty's subjects of their settlements at Port Egmont in Falklands Islands, so violent a proceeding in time of profound peace will, unless disavowed by the Court of Spain, and proper restitution made, be considered as an open act of hostility, and therefore the King hath thought fit with the advice of his servants to command a considerable naval Armament to be prepared in order to act as the honor and dignity of His Crown shall under future events require.

The Suspending or increasing this Naval Armament will probably depend on the Answer which the Court of Spain shall give to what has been demanded on this occasion, which the King has good reason to hope will correspond with His Majesty's wishes for the preservation of the Public peace. In the mean time you cannot be too attentive to security of the *Colony* [*Islands*] under your Government nor too early in your consideration of what may be necessary for *its* [*their*] protection and defence in case matters should,



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contrary to His Majesty's just expectations, come to extremities, in which case you may be assured, that the security of our possessions in America will be a principal object of His Majesty's care and attention.

I am &c.

HILLSBOROUGH.

P. S. Since I wrote the above letter farther Advices from the Court of France have been communicated to me which confirm us in our hopes that the Peace may still be preserved. H.

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[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF STATE.]

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WHEREAS, some persons have been ungenerous enough to report, that Colonel Edmund Fanning is a mere dependant on the Crown, and therefore an improper person to represent the County of Orange in general Assembly; and as he is not here in person to defend his Character thus injured, by such report equally false, as it is ungenerous; We beg permission as lovers of truth and injured merit, and as enemies to falsehood and calumny, to submit to the consideration of the publick a few remarks, Viz<sup>t</sup>.

Firstly. That those who propagate this report, are persons court-  
ing the voice of popularity.

Secondly. That all those heretofore assenting to his representing them in general Assembly, have experienced his steady and unalterable attachment to the welfare and interest of his constituents.

Thirdly. That, as he again intends becoming an inhabitant of the county of Orange, where he holds a considerable property, and as he not only hath his whole fortune in America but is himself an American, it may well and reasonably be supposed, that he will in his legislative capacity contribute all that lyes in his power for the interest of this Province in general and of the County of Orange in particular.

That, it is true, he holds the office of Surveyor general of the province of New York under the Crown, but he holds it during his good behaviour, which in such cases is always for life and never forfeited but by misbehaviour in Office, and therefore such unjust aspersions against him in his absence, proceed merely from malice and a jealousy of his superior abilities and interest with the people.

Colonel Fanning's generosity public spirit & zeal for the good of Orange and Hillsborough are notorious even to his enemies: his property is considerable, and therefore the interest of the public must be his interest,—will any person then well acquainted with that Gentleman do him so much injustice, as to suppose even notwithstanding he were to hold the said office during pleasure, he would on that account betray the interest of his fellow subjects. Such a supposition, after repeated proofs to the contrary, discovers a degree of ingratitude which we hope few of this County possess.

That, to a generous mind, such an attempt to injure that Gentleman's character, must be compared to an Assassin who endeavours to stab in the dark, and is a proof of the baseness of the hearts of those who have made this vile attempt.

By several Freeholders of the County of Orange.

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[B. P. R. O. AMERICA & W. IND. N. Y. VOL. 218.]

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Petition of the Inhabitants of Orange County.\*

TO MARTIN HOWARD CHIEF JUSTICE AND MAURICE MOORE AND  
RICHARD HENDERSON ASSOCIATE JUDGES.

The Humble Petition of the Inhabitants of Orange County humbly sheweth,

That as it is a Maxim in our Laws that no Law Statute or Custom which are against Gods Law or principalls of nature can be of any validity but are all null.

If therefore Laws themselves when against Reason and Justice are null and void much more the practice used by men in the Law which is contrary to the Law as well as Reason Justice and Equity ought to be condemned and surely it is against Justice Reason and Equity to exact Taxes and extort Fees that are unlawful from the poor industrious Farmers — Yet these are but a few of a great many more evils of that nature which has been of a long time our sad case and condition and to such a degree general among so many of the men of the Law that we quite despaired of any redress being to be had that way. But as you the Governor Kings Attorney General and other Gentlemen of the Law pledged to us your words your honours your oaths that we could and should be redressed by the Law it would be tedious as well as unnecessary to recite the

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\* Enclosed in Governor Tryon's letter of 20<sup>th</sup> October 1770.

world of fatigue expence and Trouble that we have been at to obtain redress in that way but in vain — for though so many of the Officers as has been convicted yet we can obtain none of our money back — but instead of refunding they still continue to take the same Fees James Watson and John Butler excepted — And notwithstanding the wheels in this work run so heavy we have so many of the Court Party against us yet we might nevertheless again<sup>d</sup> our point could we have obtained Jurors of unprejudiced Men — for though the Law impowers the Justices of the Inferior Courts to appoint the Jurys yet it was to the end they might be chosen of unprejudiced Men, this was the spirit end and design of the Law — But it has so happened that too many of our Justices are partys concerned some of them being insolvent high Sheriffs themselves and others insolvent Sheriffs securities, yet under all this disadvantage as we labored against this very unfair dealing the goodness of our course and the uprightness of our Intentions gained ground with such Justices as was not parties concerned and for some Courts past a few of the Jurors was unprejudiced Men, but at our last Inferior Court Tyree Harris and Thomas Lloyd took a most notorious and bare faced advantage of choosing the Judges [juries] on the first day of the Court contrary to the known and usual custom and have made up the Jury mostly of Men well known to be prejudiced in favor of extortionate Officers and of such Officers themselves. Tyree Harris at whose instance we suppose it was done was high Sheriff for the years 1766 & 1767, whose accounts are yet unsettled, and likely we may be sued by the Treasurer as well as the Vestry to the Court besides almost may we believe every under Sheriff he had is inditable for their Extortions and exactions of Tax<sup>s</sup> and most of them have already been found guilty and though they attempt to make you believe the charge against them for exacting 4d 6d & a shilling extraordinary from ignorant Men Women and in remote neighbourhoods to be a false charge yet it is not only notoriously known to be the truth by hundreds of people from whom and among whom they exacted it, but at the same time they exacted 4d more from every man in the County in the very same Tax and though this was what we had some Item of from the very beginning yet we could never come at the certainty thereof till now, we think it can be proved beyond all doubt and this is a very particular matter of great weight and moment as it was one immediate cause of the rise of the mob and for which reason we

suppose the most strenuous methods has been used to hinder it from coming to light. In the next place Thomas Lloyd may also be said to be a party concerned as he is one of the insolvent Sheriffs Securities and likewise the Justice who committed H. Husband without a Warrant proof of any crime and without a *Mittimus*, besides all this he has been Vestry Man and Church Warden frequently these Ten years past and more during which time the Vestry accounts are unsettled and irregularly kept and large Balances behind. Thomas Hart being the only Sheriff that ever settled which was for 1762, the particulars of whose accounts is also kept from the eyes of the public, all which is contrary to Law and for which neglect the Church Wardens and Clerks are indictable.

M<sup>r</sup> Chief Justice you at our last Court seemed to be somewhat prejudiced against us in a speech that you made in which you signified your Jealousie that we acted through Malice, Ambition &c: But concluding if what we did was from motives to promote Justice detect Extortion &c: for the publick good that you wished us all the success imaginable and heartily concurred with us in our undertaking. Oh that you might be sincere and could but a known our hearts. However be that as it will your Speech could not but afford us consolation and encouragement to persevere for we could lay our hands on our hearts and call God to witness in ourselves that this was our whole sole end and purpose and that too out of pure necessity to keep ourselves and innocent helpless Neighbors from utter ruin our whole properties having become quite insecure as well as our characters — As the two persons who was indicted last Court for perjury by reason they had indicted and witnessed against Extortions are two honest innocent men — Yea we need say no more but that we know these two men are honest men of good characters and innocent of that charge, whereas on the contrary to pick the whole country there cannot be found men of much worse characters than many or most of those who have sworn against them. As for the objection that some pretend to make (to wit) that it is hard to find Jurymen but what is prejudiced to one side or t' other this objection has not the least foundation in Truth or Reason Absolutely no more than if a gang of horse thieves had been numerous and formidable enough to have engaged the same attention and concern of the publick — for those Extortioners and Exactors of Tax<sup>s</sup> are certainly more dangerous than those Thieves and in the next place they and all who espouse their cause knowingly are as to numbers inconsiderably small, only that they have the handling the

Law chiefly in their own hands—our late Elections help to prove this Diversion; we carried our Elections for Vestrymen twenty five to one—The consequence of not trying these men subject to Law is wooden shoes and uncombed hair—What sense or reason is there in saying any are prejudiced to our side for what is it we have done—we have labored honestly for our Bread and studied to defraud no man nor live on the spoils of other mens labors nor snatched the Bread out of other mens hands. Our only crime with which they can charge us is vertue in the very highest degree namely to risque our all to save our Country from Rapine and Slavery in our detecting of practices which the Law itself allows to be worse than open Robbery—It is not one in a hundred or a thousand of us who have broke one Law in this our struggle for only common Justice which it is even a shame for any Government or any set of Men in the Law once to have denied us off—Whereas them as has acted the most legally are the most torn to pieces by the Law through malicious prosecutions parried against them.

To sum up the whole matter of our Petition in a few words it is namely these that we may obtain unprejudiced Jurys, That all extortionate Officers Lawyers and Clerks may be brought to fair Tryals—That the Collectors of publick money may be called to proper settlements of their accounts, namely the Sheriffs for the years 1764, 1765, 1766 & 1767 to which time the taxes was generally collected (a small part of the last year excepted) the refusing to settle for which or give us any satisfaction occasioned the past disturbances—If We cannot obtain this that we may have some security for our properties more than the bare humour of officers, we can see plainly that we shall not be able to live under such oppressions and to what extremities this must drive us you can as well judge of as we can ourselves, we having no other determination but to be redressed and that to be in a legal and lawful way—As we are serious and in good earnest and the Cause respects the whole Body of the people it would be loss of time to enter into arguments on particular points for though there is a few men who have the gift or art of reasoning yet every man has a feeling and knows when he has justice done him as well as the most learned.

Therefore that Justice which every man will be ashamed to own that ever he denied us of when in his power to grant is the prayer of our Petition and your Petitioners as in duty bound shall ever pray.

Signed by 174 Subscribers.

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[FROM ORANGE COUNTY COURT RECORDS.]

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## THE HILLSBOROUGH RIOTS.

NORTH CAROLINA }  
Hillsborough District }

At a Superior Court of Justice begun and held for the district aforesaid at the Court house in Hillsborough on Saturday the 22<sup>nd</sup> day of September, 1770.

Present

The Honorable Richard Henderson, Associate Justice.

Adam Whitsett & Henry Whitsett appeared in open court & took the oaths prescribed by Parliament for Naturalization.

Court adjourned till Monday 10 o'clock.

Monday 24<sup>th</sup>

Court met pursuant to adjournment,

Present

The Hon'able Richard Henderson, Esq, Associate Justice.

The Court appointed Henry Pendleton Esq, Attorney for the Crown.

Samuel Smith, who was last term fined *nisi* etc. for not appearing last term as a juror, was heard and excused.

Several persons stiling themselves Regulators assembled together in the Court Yard under the conduct of Harmon Husbands, James Hunter, Rednap Howell, William Butler, Samuel Devinney, & many others insulted some of the Gentlemen of the Bar, & in a violent manner went into the Court house, and forcibly carried out some of the attorneys, and in a cruel manner beat them. They then insisted that the Judge should proceed to the Tryal of their Leaders, who had been indicted at a former Court, and that the Jury should be taken out of their party.

Therefore the Judge finding it impossible to proceed with honor to himself and Justice to his Country, adjourned the Court till tomorrow morning 10 o'clock, and took the advantage of the night & made his escape, and the Court adjourned to Court in Course.

## Trial Causes to Hillsborough Superior Court, September Term A. D. 1770.\*

1	John McMund <i>vs.</i> William Courtney	2 C F 4	General Issue	Damn'd Rogues
2	John Childs <i>vs.</i> Richard Thompson	Case 5	Ref <sup>d</sup> &c <i>Vide</i> Mem Book	You keep that to yourselves to rogue everybody
3	John Williams Esq <i>vs.</i> Robert Mitchel	Case 6	General Issue	Pay costs and be put in the stocks plaintiffs
4	William Brown <i>vs.</i> John Brown	Detinue 7	General Issue	A shame for name's sake
5	Edmund Fanning <i>vs.</i> James Bynum	Slander 8	Jury find the defendant Guilty. Assessed £5 damages & 6s cost Motion and Arrest	We were certain of that but no — [torn]
	George McGoon <i>vs.</i>	Case 12	— Plea to be entered — narrative to be filed conditions performed & issue	Another Plea — entered
7	Benjamin Drummond <i>vs.</i> John Lambert	Slander 13	Justification — Error	Plaintiff pays cost

\* With entries made by the Regulators.

TRIAL CAUSES TO HILLSBOROUGH SUPERIOR COURT — *Continued.*

W 8 P G	Daniel Williams <i>vs.</i> John Williams	Case 15	General Issue	The Elect pays cost
9	Peter Noag <i>vs.</i> Edmund Fanning	Appeal 16	App. by Consent	Fanning must pay
10	Edmund Fanning <i>vs.</i> Abraham Smith	Trover A. B.	Judgment by default	Fanning pays costs but loses nothing
11 W	Ezekial Brasfield <i>vs.</i> Phillip -----	Case 19	General Issue	Death by the law for
12 Hoo	Isaiah Hogan <i>vs.</i> Hermion Husbands	Case 21	General Issue	Hogan pays & be damned
F 13	Ezekial Brumfield <i>vs.</i> James Ferrel	Slander 22	Not guilty & Justification	Nonsense let them agree for Ferrell has gone Hellward
W 14 N	Michael Wilson <i>vs.</i> David Harris	T. A. B. 23	Plea in abatement filed general Demd Joinder plea over. Not guilty with leave	All Harris's are Rogues
W 15	John Edwards <i>vs.</i> Phillip Edwards	Case 24	<i>Non assumpsit</i>	Damned shame



TRIAL CAUSES TO HILLSBOROUGH SUPERIOR COURT — *Continued.*

M <sup>c</sup> G 16	Thomas Trannell vs. William Dunnigan	Case 29	Ref <sup>d</sup> Rule set aside for Trial next Court	Dunnigan pays
M <sup>c</sup> G 17	Same vs.	T. A. B.	Same rule	Do
W 36 F	Thomas James vs. Dennis McCaron	T V A R 22	Not guilty with leave	Agreed for £2 7 stay execution to Inf Court anything for money Fees paid by Johnston & Shack- ston to Jno Cook
F 55 Mo	Thomas Cain vs. John Pearson	T. V. A. 44	Not guilty with leave. Damned roguey	
Mo 56 F	Thomas Richardson vs. Robinson York	Case &c 46	General Issue by mistake. Gen- eral issue not but Plea of abatement	Plaintiff pays all and gets his body scourged for Blasphemy
F 57 M	Mary Humphries vs. Phillip Jackson Jun <sup>r</sup>	T. A. B. 47	Not Guilty with leave	Judgment by Default
F 59 M	Mary Humphries vs. Phillip Jackson Jun <sup>r</sup>	J. A. B. 52	Not guilty with leave	Judgment by default the money must come to officers

TRIAL CAUSES TO HILLSBOROUGH SUPERIOR COURT — *Continued.*

W 60 Ho	Hermon Husband vs. Joseph Mattocks	63	Ex in the hands of Francis Nash and he served a Garnishee. Garnishee sworn saith he has in his hands £54. 4s. 9d. Judgment by default	—— Right enough
F 61 Mc	Nathaniel Walton vs. Jeremiah Horton	Ejectment 64	The Defendants common Rule &c not Guilty	Discontinued
F 62 M	Charles Rust Eaton vs. Fernand Laws	Case 65	General issue with leave	Plaintiff pays cost
F 63 Hoo	Robert Reid & Co. vs. Nancy Husbands	Debt 71	<i>Non est factum</i>	Plaintiff pays cost
W 64	Abner Nash vs. John Rooker	Case 74	Judgment by default	Nash gets nothing
M 65 N	Abraham Moore vs. Richard Benjamin Bell	Debt 80	Payment — Replication &c issue	Plaintiff pays cost
M 66 J L	Young Miller & Company vs. Armistides Administrators	Case 81	<i>Non assumpsit</i> and <i>plene admin- istravit.</i> Replication and issue	Plaintiff pays cost

TRIAL CAUSES TO HILLSBOROUGH SUPERIOR COURT — *Continued.*

F 67	Valentine Braswell <i>vs.</i> Duncan McNeal, Admr. of Hector McNeal	Case 86	Declaration plea to be filed	File it & be darned
F 68	Sales Brown <i>vs.</i> William Lewis	Case 91	Judgment by default	The Man was sick. It tis damned roguey
W 69 N	John Kimbrough <i>vs.</i> William Alston	Case 97	Ent' Joseph Briant Bail	Executed by a damned Rogue & Bill not sufficient
F 70	Solomon Turvil <i>vs.</i> James Turvil		Ec'd on 2 negroes	Negroes not worth a damn Cost exceeds the whole
W 71	William Roberts <i>vs.</i> John Howard	App'l		Plaintiff pays costs
P 72 W	Thomas Person <i>vs.</i> William Todd	App'l		Persons dead

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Letter from Judge Henderson to Governor Tryon.

GRANVILLE Sep<sup>r</sup> 29<sup>th</sup> 1770.

SIR,

With the deepest concern for my Country I have lately been witness to a scene which not only threatened the peace and well being of this Province for the future, but was in itself the most horrid and audacious insult to Government, perpetrated with such circumstances of cruelty and madness as [I believe] scarcely has been equaled at any time. However flattering your Excellency's prospects may have been with respect to the people called Regulators, their late conduct too sufficiently evince that a wise, mild and benevolent administration comes very far short of bringing them to a sense of their duty. They are abandoned to every principle of virtue and desperately engaged not only in the most shocking barbarities but a total subversion of the Constitution.

On Monday last being the second day of Hillsborough Superior Court, early in the morning the Town was filled with a great number of these people shouting, hallooing & making a considerable tumult in the streets. At about 11 o'clock the Court was opened, and immediately the House filled as close as one man could stand by another, some with clubs others with whips and switches, few or none without some weapon. When the House had become so crowded that no more could well get in, one of them (whose name I think is called Fields) came forward and told me he had something to say before I proceeded to business. The accounts I had previously received together with the manner and appearance of these men and the abruptness of their address rendered my situation extremely uneasy. Upon my informing Fields that he might speak on he proceeded to let me know that he spoke for the whole Body of the People called Regulators. That they understood that I would not try their causes, and their determination was to have them tried, for they had come down to see justice done and justice they w<sup>d</sup> have, and if I would proceed to try those causes it might prevent much mischief. They also charged the Court with injustice at the preceding term and objected to the Jurors appointed by the Inferior Court and said they would have them altered and others appointed in their room, with many other things too tedious to mention here. Thus I found myself under a necessity of attempting to soften and turn away the fury of this mad people, in the best manner in my

power, and as much as could well be, pacified their rage and at the same time preserve the little remaining dignity of the Court. The consequence of which was that after spending upwards of half an hour in this disagreeable situation the mob cried out "Retire, retire, and let the Court go on." Upon which most of the regulators went out and seemed to be in consultation in a party by themselves.

The little hopes of peace derived from this piece of behaviour were very transient, for in a few minutes Mr Williams an Attorney of that Court was coming in and had advanced near the door when they fell on him in a most furious manner with Clubs and sticks of enormous size and it was with great difficulty he saved his life by taking shelter in a neighbouring Store House. Mr Fanning was next the object of their fury, him they seized and took with a degree of violence not to be described from off the bench where he had retired for protection and assistance and with hideous shouts of barbarian cruelty dragged him by the heels out of doors, while others engaged in dealing out blows with such violence that I made no doubt his life would instantly become a sacrifice to their rage and madness. However Mr Fanning by a manly exertion miraculously broke hold and fortunately jumped into a door that saved him from immediate dissolution. During the uproar several of them told me with oaths of great bitterness that my turn should be next. I will not deny that in this frightful affair my thoughts were much engaged on my own protection, but it was not long before James Hunter and some other of their Chieftains came and told me not to be uneasy for that no man should hurt me on proviso I would set and hold Court to the end of the term.

I took advantage of this proposal and made no scruple at promising what was not in my intention to perform for the Terms they would admit me to hold Court on were that no Lawyer, the King's Attorney excepted, should be admitted into Court, and that they would stay and see justice impartially done.

It would be impertinent to trouble your Exc<sup>ty</sup> with many circumstances that occurred in this barbarous riot, Messrs. Thomas Hart, Alexander Martin, Michael Holt, John Litterell (Clerk of the Crown) and many others were severely whipped. Col. Gray, Major Lloyd, Mr Francis Nash, John Cooke, Tyree Harris and sundry other persons timorously made their escape or would have shared the same fate. In about four or five hours their rage seemed to subside a little and they permitted me to adjourn Court and conducted me with

great parade to my lodgings. Col<sup>o</sup> Fanning whom they had made a prisoner of was in the evening permitted to return to his own House on his word of honour to surrender himself next day. At about ten o'clock that evening, I took an opportunity of making my escape by a back way, and left poor Col. Fanning and the little Borough in a wretched situation.

Thus far may it please your Excellency with respect to what came within my own knowledge, since my departure many different & authentick accounts say that the mob not contented with the cruel abuse they had already given M<sup>r</sup> Fanning in which one of his eyes was almost beaten out, did the next day actually determine to put him immediately to death, but some of them a little more humane than the rest interfered & saved his life. They turned him out in the street and spared his life on no other condition than that of his taking the Road and continuing to run until he should get out of their sight. They soon after to consummate their wicked designs, broke and entered his Mansion House, destroyed every article of furniture and with axes & other instruments laid the Fabrick level with its foundation, broke and entered his Cellar and destroyed the contents, his Papers were carried into the streets by armfulls and destroyed, his wearing apparel shared the same fate; I much fear his Office will be their next object. Have not yet heard where Col. Fanning has taken shelter, the last advice was that he was a mile or two from Town on horseback, but the person by whom this came says that the Insurgents have scouting Parties constantly traversing the several roads and woods about Town and should he unfortunately fall into their hands the consequences perhaps would be fatal. The merchants and Inhabitants were chiefly run out into the Country & expect their Stores and Houses without distinction will be pillaged and laid waste.

The number of Insurgents that appeared when the Riot first began was, I think, about one hundred and fifty, tho' they constantly increased for two days and kept a number with fire arms at about a mile distance from Town ready to fall on whenever they were called for. This amount is contradicted by some and believed by others; certain it is that a large number of men constantly lay near the Town, whether they had arms or not is not yet sufficiently determined.

As the burden of conducting Hillsborough Superior Court fell on my shoulders alone, the Task was extremely hard and critical. I

made every effort in my power consistent with my Office and the Duty the Publick is entitled to claim to preserve peace and good order, but as all attempts of that kind were ineffectual, thought it more advisable to break up Court than sit and be made a mock Judge for the sport & entertainment of those abandoned wretches.

This Express has been delayed two days in expectation of obtaining from M<sup>r</sup> Fanning a more particular account of the damage done him as well as the rest of the Inhabitants of that desolate Borough, but as the persons whom I sent for that purpose are not yet returned, think it my duty to forward this with the utmost expedition. Should my conduct through the transactions merit your approbation it will greatly add to the felicity of Sir,

Your Excell<sup>cy</sup>s most obedient

and obliged humble servant

RICHARD HENDERSON.

To his Excellency Governor Tryon.

P. S. My Express has this instant arrived from Hillsborough with the following accounts, Colonel Fanning is alive and well as could be expected. The Insurgents left the Town on Wednesday night having done very little mischief after spoiling M<sup>r</sup> Fanning's House except breaking the windows of most of the Houses in Town, among which M<sup>r</sup> Edward's did not escape. The merchants and others are taking possession of their shattered Tenements. M<sup>r</sup> Fanning's House is not quite down, a few timbers support the lower story, but they are cut off at the sills and a small breeze of wind will throw down the little that remains. Everything else that we heard respecting M<sup>r</sup> Fanning is true with this addition that he lost upwards of two hundred pounds in cash.

Inclosed is a Petition [For petition see page 231 *ante* — EDITOR] presented me on Saturday by James Hunter, that being the first day of the Court, the Answer was deferred till Monday. Your Excellency will best judge if that Paper may not be of service at a future day. There are many subscribers who are all without dispute Regulators.

I am as before

R. H.

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Deposition of Ralph M<sup>c</sup>Nair.NORTH CAROLINA }  
Newbern }

This day came Ralph M<sup>c</sup>Nair before me Robert Palmer Esq<sup>re</sup> one of the Members of His Majesty's honourable Council for the Province aforesaid and made oath upon the Holy Evangelists of Almighty God, that on Monday the 24<sup>th</sup> day of September last in the Town of Hillsborough in the Province aforesaid he saw Hermon Husbands, James Hunter, William Butler, Ninian Bell Hamilton, Jeremiah Fields, Matthew Hamilton, Ely Branson, Peter Craven, John Frint, Abraham Teague, and Samuel Parks, amongst a number of men called regulators who were chiefly armed with wooden cudgels or cow skin whips wherewith they assaulted and beat John Williams Esq<sup>re</sup>. That some of the number attempted to strike Richard Henderson Esq<sup>re</sup> Associate Judge of the Province aforesaid, while he endeavoured from the Bench window to moderate their fury; that soon after they had run to surround the Court House he saw them return beating and pursuing Colonel Edmund Fanning till he took shelter in the Store of Messrs Johnston and Thackston which they instantly beset, demolishing the windows and threw dirt and stones or brickbats into the House in order to force him thence. That they also beat several other Gentlemen on the same day. That on the following night he heard a Party or Parties of the said People called Regulators patrolling the streets to the terror of the Inhabitants, That the Deponent's House was assaulted by Persons unknown, his windows broke, and he also heard the windows of several other Houses broke about the same time, and as he supposes by the same people; that Richard Henderson Esq. not thinking his person safe did as he believes depart the Town the same night, although the Court stood adjourned only till next day, and not till Court in Course, and that the Regulators exasperated thereat, did, as he was informed on Tuesday the 25<sup>th</sup> day of September aforesaid, assault the House of Col. Fanning aforesaid, break and destroy a considerable part of his household furniture, drink & spill the liquors in his Cellar, and almost totally demolished his house, the ruins whereof he the Deponent saw the day following.

RALPH M<sup>c</sup>NAIRSworn before me this 9<sup>th</sup> day of October 1770.

ROBERT PALMER.



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Deposition of Robert Lytle of 20<sup>th</sup> October 1770. (4.)

NORTH CAROLINA }  
Orange County }

This day personally appeared before me one of His Majesty's Justices of the Peace for the County aforesaid, Josiah Lyon, and made oath on the Holy Evangelists of Almighty God that on Tuesday the 25<sup>th</sup> of this instant in Hillsborough he the said Josiah Lyon heard a number of people who were assembled together, assuming to themselves the Title of Regulators, and committing the most unheard of Acts of violence and riot, drunk damnation to King George (thereby meaning as he apprehended the King of England) and success to the Pretender.

Sworn before me the 30<sup>th</sup> of September 1770.

ROBERT LYTLE.

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Letter from James Watson Robert Lytle and others to Governor Tryon

HILLSBOROUGH Sept<sup>r</sup> 30<sup>th</sup> 1770.

MAY IT PLEASE YOUR EXCELLENCY,

SIR,

We doubt not that you have before this time heard of the distressed situation of our affairs here, the unheard of insolence offered by a Body of the Regulators, to His Maj<sup>ty</sup>s Superior Court sitting, and of the many outrages committed by them against the Persons, liberties and properties of many of our fellow subjects for the particulars of which we beg leave to refer you to the Bearer M<sup>r</sup> McNair.

These are a set of men may it please your Excellency whom we have long considered as dangerous to society and as pursuing every measure destructive of Peace and good Government And their conduct on this occasion has we think, to a demonstration proved, that they only want time and a larger Body of their disaffected Fools of Faction, to effect purposes of the most dangerous and dismal Tendency, and which we apprehend must (unless timely prevented by the wise interposition of Government) end in the ruin and destruction of the Province.

Government has, may it please your Excellency, we doubt not for very wise and prudent purposes been pleased hitherto to deal with great clemency and tenderness towards this set of people under a presumption that they would see through their infatuation,

reclaim and become good and useful members of Society, but as they have now laid aside their disguise and discovered themselves lost to every sense of humanity as well as obedience to Laws under which we are governed by committing the most open and daring Acts of violence, we do most humbly pray your Exc<sup>y</sup> that you will take the matter under your consideration and adopt such measures as in your wisdom shall seem most proper. At the same time begging leave to assure your Excellency that we think ourselves hourly in the most imminent danger not only of losing our lives and fortunes but of every connection which we esteem valuable. Our worthy friend Colonel Fanning who has been a great sufferer on this occasion is not in Town, therefore does not join in this our Memorial

We shall with impatience wait your Excellency's orders and beg leave to assure you that We are

Your Excellency's most obedient

most faithful humble servants,

JAMES WATSON

ROBERT LYTTLE

THO<sup>s</sup> HART

FRANCIS NASH

WILLIAM JOHNSTON

JAMES THACKSTON

JAMES MONRO.

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[B. P. R. O. AM. & W. IND. VOL. 217.]

Letter from Earl Hillsborough to Governor Tryon,

WHITEHALL 3<sup>d</sup> October 1770.

The state of the outstanding paper-currency inclosed in your Letter N<sup>o</sup> 56, and your remarks upon it are very satisfactory, and the only observation I have to make upon it is, that the sum appears to be large, and will I trust be fully sufficient to answer the purpose of circulation, until the prejudices of the People shall admit, and the circumstances of the Colony induce, a currency of better credit and greater stability.

I am &c<sup>a</sup>

HILLSBOROUGH.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Lord Hillsborough.

NEWBERN the 7<sup>th</sup> October 1770.

I have the honor to receive your Lordships dispatches, containing the original and duplicate of N<sup>o</sup> 33, with his Majestys warrant for my leave of absence from this government: Also a copy of the memorial of the merchants trading to North Carolina and importers of naval stores, with a letter for Mr Chief Justice Howard; As that gentleman had my leave of absence to go to Boston last Summer, I shall not have an opportunity of delivering the letter myself to him, till he attends the Superior Court in this town the eighth of next month.

Mr Samuel Cornell has produced to me his Majestys mandamus for his seat in Council, and took the oaths for the qualification of public officers, and at the next sitting of the Council will take the oath of office and his seat at the Board. He entertains a perfect sense of the honor his Majesty has conferred on him,

On my arrival yesterday evening from an excursion I made for the recovery of my health, and to view the sea coast between Beaufort and Portsmouth, dispatches were delivered from Hillsborough, acquainting me of an insurrection of the regulators in that town on the 24<sup>th</sup> & 25<sup>th</sup> of last month during the setting of the Superior Court. After they had offered many insults to the dignity and proceeding of the court, they committed such outrages in the town that Mr Henderson the associate judge was forced to put an end to the court by making his escape in the middle of the night.

I shall not here enter minutely into their savage conduct, having ordered of Majestys Council to be summoned to meet me on the 16<sup>th</sup> instant to consult on the properest measures to be taken in the exigency of the case; when resolved upon his Majesty shall be particularly informed.

Your Lordship may depend I shall exert my warmest endeavours to obtain your wish that some better regulation may be established in the Treasurers office as well as to suppress the disorders which now threaten the general peace of this government.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

### COUNCIL JOURNALS.

At a Council held at the Council Chamber at Newbern 16<sup>th</sup> October 1770.

Present,

His Excellency the Governor

The Honorable { John Rutherford.                      and                      } Esquires  
                         { Lewis DeRosset                      Robert Palmer }

Samuel Cornell Esq<sup>r</sup> appeared at this Board, and produced His Majestys *Mandamus* appointing him a Member of this province, bearing date at St James's the 10<sup>th</sup> day of May last, And also a Certificate from His Excellency the Governor, that the said Samuel Cornell Esq<sup>r</sup> had taken the Oaths for the Qualification of Publick Officers — And at the same time the said Samuel Cornell took the Oath for the due execution of his Office, and took his seat at this Board accordingly.

His Excellency acquainted this Board that the reason of his calling the Council at this time, was in consequence of dispatches he had received on the 6<sup>th</sup> Instant from Richard Henderson Esq<sup>r</sup> one of His Majestys Associate Justices of this Province (inclosing a Memorial from the regulators to the Chief Justice, and his Associates) And also from the Inhabitants of the Town of Hillsborough setting forth the Insults and indignities offered to His Majestys Government, the Superior Court of Justice of that district, and the injuries done to the inhabitants of the said Town, with the Depositions of Ralph McNair Esq<sup>r</sup> and Josiah Lyon relative to the same All which His Excellency laid before this Board, and desired their opinion and advice on the present exigency. Ordered that the several papers be read — It is the unanimous advice of this Board that the several papers now read, be referred to the Attorney General, for his opinion on the several matters and offences set forth therein, And that he be directed to give his Opinion at full on these subjects in writing, and point out to His Excellency and this Board the most Effectual steps to bring the offenders to condign punishment.

His Excellency informed this Board that in consequence of information made to him, that large sums of the Certificates in 1768 were counterfeited and circulating in this Province, had thereupon

consulted with four of the Gentlemen of His Majestys Council (by letter) relative thereto, and agreeable to their Opinion and advice, he had issued the following proclamation Viz

A PROCLAMATION.

Whereas I have received information that the Certificates made & signed in pursuance of an Act of Assembly passed in December, One Thousand Seven hundred & Sixty Eight, payable out of the public Treasury, have been counterfeited and forged and such Counterfeits are now circulating in this Province to a Considerable Sum, to the great Damage and Injury of the Inhabitants, To the end therefore that the persons concerned in forging or uttering the said Certificates may be brought to condign punishment, I have thought fit, by and with the Advice & Consent of His Majesty's Council, to issue this my Proclamation, hereby Offering a reward of Two hundred pounds proclamation Money to such person (except the Offender) as shall discover any of the parties concerned payable on Conviction thereof. And I do also Offer His Majesty's most Gracious Pardon to such Offender as shall first appear and make a discovery of his Accomplices, so that they may be prosecuted according to due Course of Law.

Given under my hand & the Great Seal &c, at New Bern 27<sup>th</sup> August 1770.

W<sup>m</sup>. TRYON.

By Command

JOHN LONDON, D. Sec'y.

His Excellency was pleased to lay before this board several letters of correspondence that passed between him, Mr Stewart the Superintendant of Indian Affairs, and one from Mr Cameron the Deputy Superintendant (with a letter from Mr Mitchell Merchant in Salisbury) and desired the opinion of this Board whether any measures can be taken to prevent Richard Paris from settling the Cherokee Lands on the Western Frontiers of this Province — It is the opinion of this Board that as Richard Paris is not an inhabitant of this province, they are at a loss to know what steps to recommend to remedy the matter complained of by Mr Stewart, But that this Government will take effectual care that no settlement shall be formed on the said Lands but under Grants from the Crown.

Then His Excellency desired the Opinion of this Board, as the suggestions in Mr Stewarts and Mr Camerons above Letters intimate a dissatisfaction of his conduct towards the Cherokees, whether in the behaviour to the said Indians he has at any time been wanting in attention and regard to their interest—It is the unanimous opinion of this Board, that the suggestions set forth are false and frivolous, and that the discontent of the said Indians appears to have been excited by the Traders settled amongst them.

His Excellency informed this Board, that in pursuance of a petition from the Freeholders in the Town of Hillsborough, he thought fit to Grant a Charter of Incorporation to the said Town, bearing date the 9<sup>th</sup> day of July last, with a power of returning a Burgess to the General Assembly—Ordered that the said Charter be read, and recorded in the Secretary's Office.

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At a Council held at the Council Chamber at New Bern 18<sup>th</sup> October 1770.

Present

His Excellency the Governor

The Honble	{	John Rutherford	Robert Palmer	} Esquires
		Lewis DeRosset	and	
		Alex. M'Culloch	Samuel Cornell	

The proceedings of the preceeding day were read to Mr M'Culloch, he approved of the same.

Mr Attorney General having delivered in his Opinion at this Board agreeable to the Order of Council the 16<sup>th</sup> of this Instant in the following words, Viz<sup>t</sup>,

In obedience to the Commands of your Excellency in Council requiring my opinion upon the several Offences set forth in Mr Henderson's letter, Mr Moore's and Mr Lyon's Affidavits together with the petition of the Insurgents, I have attentively perused them, and I am of opinion, to consider them in a distinct and separate view.

That the pulling down Mr Fanning's house and the assaulting of several persons in the Town of Hillsborough, amount only to a riot.

That the menaces thrown out against, and the insult offered to Mr Justice Henderson when in the execution of his Office, and the Insurgents preventing him from holding out the Term there will

be construed in Law only a misdemeanour, though of the highest nature.

That words (though doubtful heretofore has been the Law, and various the determinations of the Courts at different periods of Time whether they amount to Treason or not) substantively taken are not I think at this day sufficient to convict a man of high treason; but if there is any Act of Violence, or declared intention of acting, consequent thereupon, then they clearly come within the purview of that offence; and therefore the words mentioned in Lyon's Affidavit, when a more minute inquiry can be made into the conduct of the Offenders, will probably turn out to be treason; but it appears to me that the tenor of that Affidavit is too inconclusive to issue warrants for that offence.

As to pointing out to your Excellency and Honours the most effectual steps to bring the offenders to condign punishment, I am apprehensive there is no process that can issue in the present situation of Affairs that would bring about that great end; as no obedience has been paid for some time past to any process whatever by the Insurgents; and who, if apprehended, must under the present Court Law be tried in the district where the offences was committed; a circumstance which, when the recent instances of their conduct are considered, leaves room to apprehend the inefficacy of every measure that may be derived from that source.

I therefore humbly conceive that it would be expedient for your Excellency to convene the Assembly as soon as possible, as it would discover to the Insurgents the activity of Government, contribute to check the progress of any future violence, and give the Representatives of the people the earliest opportunity of making such Laws, and providing for the vigorous execution of them, as may effectually bring the offenders to Justice — And in the mean time if your Excellency should think proper, it might not be inexpedient to direct the Colonels of the Militia in particular Counties to Muster their Regiments; in order to discover what number of Men would act as Volunteers, upon whose conduct when called out some dependence might be placed; and who would be ready to Act upon the most early notice.

These are the steps that appear to me most likely to bring the offenders to condign punishment, and as such are humbly submitted to your Excellency's and Honours Consideration.

THOS. MCGUIRE.

Oct. 18<sup>th</sup> 1770.

The same was taken into mature consideration, and His Excellency was pleased to take the opinion of this Board relative to the calling of the Assembly immediately. This Board taking the same into consideration are of opinion that as Col. Fanning has advised His Excellency of the 13<sup>th</sup> Inst that it is his belief that every thing will remain quiet, till the meeting of the Assembly, and on account of the late severe and present sickness in the province, in order to have a full house, it would be most advisable not to call the Assembly sooner than the 30<sup>th</sup> of November, to which time at present it stands prorogued.

This Board also recommend to His Excellency that he give orders to the Commanding Officers of the several regiments of Militia in this Province, to call an immediate Muster of their said Regiments, And that His Excellency direct the said Commanders to report to him as soon as possible the number of volunteers, that are willing to turn out in the service of their Country, and also the number of effective men that can be ordered out in case of an emergency.

Ordered that a proclamation issue in the following words, Viz<sup>t</sup>.

NORTH CAROLINA—Ss.

By His Excellency William Tryon Esq<sup>r</sup> &c. &c.

A Proclamation.

Whereas I have received information that a great number of outrageous and disorderly persons did tumultuously assemble themselves together in the Town of Hillsborough, on the 24<sup>th</sup> & 25<sup>th</sup> of last month, during the sitting of the Superior Court of Justice of that district, to oppose the just measures of Government, and in open violence of the Laws of their Country, audaciously attacking his Majestys Associate Justice in the Execution of his Office, and barbarously beating and wounding several persons in and during the sitting of said Court, and offering other enormous indignities and insults to his Majestys Government, committing the most violent outrages on the persons and properties of the inhabitants of the said Town, drinking damnation to their lawful Sovereign King George, and success to the pretender, To the end therefore that the persons concerned in the said outrageous Acts may be brought to Justice, I do by the advice and consent of His Majesty's Council issue this my Proclamation, hereby requiring and strictly enjoining all his Majestys Justices of the Peace in this Government to make diligent



be construed in Law only a misdemeanour, though of the highest nature.

That words (though doubtful heretofore has been the Law, and various the determinations of the Courts at different periods of Time whether they amount to Treason or not) substantively taken are not I think at this day sufficient to convict a man of high treason; but if there is any Act of Violence, or declared intention of acting, consequent thereupon, then they clearly come within the purview of that offence; and therefore the words mentioned in Lyon's Affidavit, when a more minute inquiry can be made into the conduct of the Offenders, will probably turn out to be treason; but it appears to me that the tenor of that Affidavit is too inconclusive to issue warrants for that offence.

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I therefore humbly conceive that it would be expedient for your Excellency to convene the Assembly as soon as possible, as it would discover to the Insurgents the activity of Government, contribute to check the progress of any future violence, and give the Representatives of the people the earliest opportunity of making such Laws, and providing for the vigorous execution of them, as may effectually bring the offenders to Justice — And in the mean time if your Excellency should think proper, it might not be inexpedient to direct the Colonels of the Militia in particular Counties to Muster their Regiments; in order to discover what number of Men would act as Volunteers, upon whose conduct when called out some dependence might be placed; and who would be ready to Act upon the most early notice.

These are the steps that appear to me most likely to bring the offenders to condign punishment, and as such are humbly submitted to your Excellency's and Honours Consideration.

THOS. M<sup>c</sup>GUIRE.

Oct. 18<sup>th</sup> 1770.

The same was taken into mature consideration, and His Excellency was pleased to take the opinion of this Board relative to the calling of the Assembly immediately. This Board taking the same into consideration are of opinion that as Col. Fanning has advised His Excellency of the 13<sup>th</sup> Inst that it is his belief that every thing will remain quiet, till the meeting of the Assembly, and on account of the late severe and present sickness in the province, in order to have a full house, it would be most advisable not to call the Assembly sooner than the 30<sup>th</sup> of November, to which time at present it stands prorogued.

This Board also recommend to His Excellency that he give orders to the Commanding Officers of the several regiments of Militia in this Province, to call an immediate Muster of their said Regiments, And that His Excellency direct the said Commanders to report to him as soon as possible the number of volunteers, that are willing to turn out in the service of their Country, and also the number of effective men that can be ordered out in case of an emergency.

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By His Excellency William Tryon Esq<sup>r</sup> &c. &c.

A Proclamation.

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inquiry into the above recited Crimes, and to receive the deposition of such Person or Persons as shall appear before them to make information of and concerning the same; which depositions are to be transmitted to me in order to be laid before the General Assembly at New Bern on the 30<sup>th</sup> day of November next, to which time it stands prorogued for the immediate dispatch of Publick business.

Given under my hand and the Great Seal &c. at New Bern 18<sup>th</sup> October 1770.

W<sup>m</sup>. TRYON.

By his Excellencys Command

JOHN LONDON, Secretary.

His Excellency the Governor having accepted of Doctor William Houston a tract of Land for 12,500 acres situate in Anson County for which the said Houston obtained a Grant dated 3<sup>d</sup> March 1745 and assigned the same to His Excellency by deed bearing date 29<sup>th</sup> of April 1768, Proved and recorded in the registers office for Anson County which said Tract of Land is one of those contained in Grants to Henry McCulloh Esq<sup>r</sup>, and was allowed of by His Majesty in Council, to be surrendered for want of being seated agreeable to the conditions of the said Grants and Whereas the said tract of 12,500 Acres of Land being found to be very poor and barren, His Excellency never having received any benefit therefrom, Therefore makes a Deed of Surrender to His Majesty of the same in Council, in expectation that His Majesty will be graciously pleased to remit to him the arrears of Quit Rents due on the said tract, at the time of the surrender—Which surrender was accepted of in Council and His Excellency released from all future Quit rents on account of the said Lands and both the Patent and Conveyance to be struck off the rent-roll, and recorded in the Secretarys Office.

P. M. Present as in the Morning

His Excellency informed the Board that as he had received Authentick Accounts of the death of Benjamin Heron Esq<sup>r</sup> Secretary &c, of this province, He thought proper to appoint John London to Officiate in the Offices of Secretary and Clerk of the Crown, John Hawks Esq<sup>r</sup>, Clerk of the Pleas, William Palmer Esq<sup>r</sup> to Officiate as Naval Officer and Charles Heron Esq<sup>r</sup> to officiate as Auditor—Which Commissions were produced at the Board, and the above mentioned Gentlemen, (except Mr Heron who was sick) appeared and took the Oaths appointed for the qualification of Publick Officers

subscribed the Test, and took the Oath for the due execution of their offices.

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[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Hillsborough

NEWBERN 20<sup>th</sup> October 1770.

I have the honor to transmit to your Lordship the Minutes of the Council Journal, with copies of the several papers referred to therein, respecting the outrages and high crimes committed by the regulators during the last Superior Court at Hillsborough. Mr Attorney General's opinion and advice was taken in Council on this occasion and entered on the Journal. I have in pursuance of the advice of the Council sent circular letters to the commanding officers of the respective regiments of militia, and by their returns as required of the number of volunteers willing to turn out on the first call, in the service of their King and country, and also of what number of men can be ordered out upon an emergency. I shall be able to form a near guess of the strength of the government and the affections of each part. This information will likewise direct me in the choice of the number of men the approaching Assembly shall think expedient to be raised for suppressing these riots, collecting the taxes, and bringing the offenders to the justice of their country. It must be by the spirited aid of the Legislature only that I can expect success in my endeavours to extinguish this dangerous flame.

Inclosed, my Lord, is a copy of the Charter I granted to the inhabitants of Hillsborough on their petition for the same.

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[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF STATE.]

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NORTH CAROLINA }  
Anson County } Ss. — Anson Inferior Court, October Term 1770

Present — His Majesty's Justices, to wit John Collson, William Blewet, William Mask, Charles Medlock, Samuel Snead and James Pickett Esquires.

William Pickett Esq<sup>r</sup> Sheriff of Anson County for the year of our Lord, One Thousand, Seven Hundred and Sixty Nine, came into Court and produced his Account, in order to settle the same for the said year 1769, which was admitted by the said Justices as follows, to wit,

W <sup>m</sup> . Pickett to said County Dr.	per Contra, Cr.
To 896 Taxables as per list of Taxables for the said year 1769, @ 1s. 3d. each-----£56 0 0	By 184 Insolvents and Run-aways @ 1s. 3d, £11 10 0
Balance due from the said County to William Pickett ----- 2 13 8	By 177 Insurgents @ 1s. 3d. each----- 11 1 3
	By several Claims answered as per Tickets and Vouchers appears to the amount of ----- 33 8 9
	By Commissions @ 8 per Cent on the above Sum of £33 8 9 collected ----- 2 13 8
<u>£58 13 8</u>	<u>£58 13 8</u>

The said William Pickett the Sheriff of Anson County afore-said, having produced the above Account, made Oath that the same is just and true, as above stated, and that the above 184 Taxable Persons are either insolvent or moved out of this County, and that the above mentioned 177 Taxable Persons, are Insurgents, and such as do resist and hinder him the said Sheriff and his Deputies, with Force and Arms, from collecting the Taxes due from them; of which 177 Insurgents, and 184 Insolvents and Runaways, he has received no Part of the Taxes due from them for the year afore-said, which is allowed by the above mentioned Justices of the said Inferior Court as a true and just Settlement of the said Sheriff, for the said Year, 1769.

CHA<sup>s</sup> MEDLOCK  
SAM<sup>l</sup> SNEAD  
J<sup>as</sup> PICKETT  
JOHN COLLSON  
W<sup>m</sup> BLEWET  
W<sup>m</sup> MASK

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Letter from Samuel Johnston Esq to Alexander Elmsley.

EDENTON 7<sup>th</sup> Nov<sup>r</sup> 1770.

DEAR SIR,

I have just rec<sup>d</sup> yours of the tenth of August inclosing Mr Turner's Deputation and an Invoice of sundries shipped to Norfolk in the Neptune Capt. White am<sup>ts</sup> with charges to £143 18s. 20d. Ster<sup>ls</sup> for which sum I shall take care to Credit your acc<sup>t</sup> as also for the £25 Ster<sup>ls</sup> p<sup>d</sup> you. The Goods are not yet come to hand but make no doubt they are safe and have sent in for them. I am truly sensible of your friendship in the trouble you have taken to procure me the Deputation to the Naval Office, I like it because tho' it is not so lucrative as some of the other Offices M<sup>r</sup> Heron held yet it will be attended with less trouble. I shall be careful that you are in Cash to pay the sums you stand bound for on that acc<sup>t</sup> and request the favour of you to make the payments regularly as they become due out of any Monies of mine you may have in hand.

I have often thought of the scheme of Buying and selling Bills you mention and the only difficulty and what I could never get over was that no person would draw for proc. whom I could venture to trust. Granberry always refused to draw at any rate and there are very few others whom I should care to trust for a large sum so long as a twelve month. However as you and M<sup>r</sup> Barker proposed being concerned I will endeavour to do something in that way tho' I am afraid it will be too late for this season as I am to set out for New Bern in a day or two to the Court and shall not return till after the Assembly which meets the 30<sup>th</sup> and should not care to draw without a certainty of being able to dispose of the Proc.

You do not say anything of my old Aunt. I had lately a letter from her acquainting me of your having paid my fathers Debt and also £100 in part of her Legacy, I have since that sent her a larger sum. I would be glad to know the amount of what you paid her on acc<sup>t</sup> of my father's Debt that I may Credit you and charge his Estate.

The Orange Mob has again been in Arms they broke up the Court beat the Lawyers and threatened Judge Henderson who was the only one present, Fanning's House was torn to pieces and his furniture destroyed after they had beat and insulted him most inhu-

manly, every body flew from the Town the Merchants are afraid to send any goods to that part of the Country and some have actually deserted their stores. The Governor has ordered Gen<sup>l</sup> Musters of the Militia all through the Country and I suppose there will be another expedition to Hillsborough and a new emission of Currency of course. I should be glad to hear from Col<sup>o</sup> Fenier, his mother writes me he is just about to be married, pray make my Compts. to him when you write next. M<sup>rs</sup> Johnston is much obliged to M<sup>rs</sup> Elmsley for her advice with regard to the Chaise, she and my sisters desire to be remembered by her.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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### COUNCIL JOURNALS.

At a Council held at the Council Chamber at Newbern 19<sup>th</sup> November 1770.

Present

His Excellency the Governor

The Honble { Robert Palmer } Esquires  
                   { Samuel Cornell }

Martin Howard Esquire appeared and produced His Majestys *Mandamus*, bearing date at St James' the 9<sup>th</sup> day of May last appointing him a member of Council for this Province, pursuant to which the said Martin Howard took the Oaths for the Qualification of Publick Officers and repeating and subscribed the Test, He then, took the Oath for the due execution of the above Office, and his seat at the Board accordingly.

His Excellency informed the Board that Richard Henderson Esquire had waited on him last night and acquainted His Excellency that he had received an Express from Granville County of his stables, corn crib, and late dwelling house being set on fire and destroyed by persons yet unknown and was now attending with his brother who came express, to give information of the same, Ordered that Mr Henderson and his brother be called in —

Thomas Henderson being first sworn gave information as follows, Viz<sup>t</sup> That on the night of Monday the 12<sup>th</sup> Instant the barn and stables belonging to his brother Richard Henderson Esquire in Granville County were set fire to and consumed together with sev-

eral horses and a quantity of corn. And also that on the night of the Wednesday following being the 14<sup>th</sup> Instant a house which was lately the dwelling house of said Richard Henderson, was set on fire to and consumed.

And the said Richard Henderson and Thomas Henderson both further acquainted the Board that they had reason to suspect, that the said deeds were committed maliciously and clandestinely by some evil minded persons unknown. The Board taking the same into consideration are of opinion — That a proclamation be issued for the discovering and apprehending the persons guilty of or concerned in committing the said offences.

Ordered that a proclamation issue in the following words, Viz<sup>t</sup>

NORTH CAROLINA — Ss.

By His Excellency William Tryon Esq., &c. &c.

A Proclamation.

Whereas, information having been received that some evil minded and ill disposed persons did in the night of Monday 12<sup>th</sup> Instant in the County of Granville, maliciously and clandestinely set fire to and consumed the barn and stables of Richard Henderson Esquire one of His Majestys Associate Justices of the said Province, together with several horses and a large quantity of corn therein, and also in the night of Wednesday the 14<sup>th</sup> Instant did maliciously and clandestinely set fire to and consume the late dwelling house of the said Richard Henderson in the County aforesaid, In order therefore to bring the offenders to Justice, I have thought fit, by and with the advice and consent of his Majestys Council to issue this my Proclamation, hereby requiring all Civil Officers within this Government to be aiding and assisting in discovering and apprehending the said offenders. And I hereby also promise the sum of one hundred pounds proclamation money to any one who shall apprehend the said offender or offenders— And also his Majestys most Gracious Pardon to any one of the said offenders who shall make a discovery of his accomplice or accomplices, so that he or they may be prosecuted to conviction.

Given under my hand and the Great Seal &c. at Newbern 19<sup>th</sup> November 1770.

W<sup>m</sup>. TRYON.

By His Excellencys command

WILLIAM PALMER, D. Sec'y.



The above mentioned Richard Henderson Esquire and Thomas Henderson further informed this Board that it was generally believed in the County of Granville that a large body of those who call themselves Regulators would come down to Newbern at the ensuing Sessions of Assembly in order to intimidate and over-awe the assembly in their proceedings, Whereupon His Excellency asked the opinion of the Board whether any and what measures were necessary to be taken in this conjuncture.

It is the unanimous opinion and advice of this Board that His Excellency write to the Colonels of the Militia of those Counties through which the said Regulators may pass in their way to New Bern, to hold themselves and their respective Regiments in readiness and to march and obstruct any of the said People in case they should attempt to come down, And that His Excellency be requested to take such other defensive measures as he shall think proper to preserve order and Peace during the ensuing session of Assembly.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Whereas we The Regulators About the Head or forks of Haw river have heard a Report that we have Clandestantly Taken some considerable quantity of money Belonging to M<sup>r</sup> Edmund Fanning At the time when his house & goods were Destroy'd.

And as We have Also heard that A Certain Number have sworn to it, We Don't design to lye under Such shame & as we Allways count ourselves Amongst the Number of Loyal Subjects We Desire & Insist that E<sup>d</sup> Fanning would Authourise some Lawfull officer to come & Bring the person or persons Accused to Justice, & further we will Not Molest but rather Assist in taking Such Felons, given under our hands this 20<sup>th</sup> Day of Nov<sup>r</sup> 1770.

Capten JAMES PORTER  
 SAM<sup>r</sup> BUCHANAN } Comm  
 THOMAS FLACK }

JOHN CORRY Moderator

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

A PROCLAMATION.

Whereas a sufficient Number of Members of the General Assembly of this Province have not appeared to Constitute a House, I do therefore issue this my Proclamation, hereby Proroguing the said Assembly untill Monday the 3<sup>rd</sup> of Dec. next, then to meet at New Berne for the dispatch of Public business.

Given under my hand & the Great Seal &c. at New Bern 30<sup>th</sup> Nov. 1770.

By Command JOHN LONDON, D. Sec'y

W<sup>m</sup> TRYON.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

PORT BATH IN N<sup>o</sup> CAROLINA.

Duties Received Between the 10<sup>th</sup> of October 1769 and the 5<sup>th</sup> of January Following being the Quarter Ending at Christmas.

WHEN RECEIVED.	MASTERS NAMES.	VESSELS NAMES.	N <sup>o</sup> . OF GN <sup>v</sup> .	£	s.	d.
8 <sup>th</sup> Jan'y 1770	Thomas Daily -----	Ship Friends Assist.	250	4	3	4
Lady day Quarter Ending 5 <sup>th</sup> April 1770						
Jan'y 18 <sup>th</sup>	John Layton -----	Sloop Mary -----	180	3	0	0
Jan'y 26 <sup>th</sup>	Francis Wooton ---	Harrison Sloop ---	204	3	9	8
Feb'y 7 <sup>th</sup>	Silvanus Snow ----	Schooner Dolphin--	515	8	11	8
Feb'y 17 <sup>th</sup>	Samuel Harding --	Schooner Dolphin--	550	9	3	4
Feb'y 19 <sup>th</sup>	Sam <sup>l</sup> Adams -----	Schooner Bushiba--	210	3	10	0
M'ch 9 <sup>th</sup>	Paule White-----	Sloop Juno-----	150	2	10	0
M'ch 21 <sup>st</sup>	Ebenezer Ellinwood	Schoo <sup>r</sup> Elizabeth--	230	3	16	8
M'ch 24 <sup>th</sup>	John Barry-----	Schoo <sup>r</sup> Barbadoes--	720	12	0	0
				50	14	8
Commissions @ 7 p Ct. deducted -----				3	10	3
				46	14	5

RICHARD ELLIS T. P.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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## COUNCIL JOURNALS.

At a Council held at the Council Chamber at New Bern 4<sup>th</sup> December 1770.

Present

His Excellency the Governor

The Honble	{	James Hasell	William Dry	} Esquires
		John Rutherford	Robert Palmer	
		Alexander M <sup>c</sup> Culloch	Samuel Cornell	

His Excellency laid before this Board a letter he received this morning from John Simpson Esquire, Colonel of the Pitt Regiment of Militia in the following words, Viz<sup>t</sup>,

PITT Dec<sup>r</sup> 3<sup>d</sup> 1770.

SIR,

Yesterday Mr Robert Salter came here from Tarborough, and informed me of a number of Regulators coming down from Bute, Johnston &c, to New Bern, in order to prevent Col. Fanning's taking a seat in the House of the Assembly, &c, &c. I have on this information issued orders for the several Companys in the Pitt Regiment to meet me at the Court House in Pitt on Wednesday next in order to march to New Bern to protect the Legislative Body of this Province there assembled. I have sent William Moore Esq<sup>r</sup> express to acquaint you, of my proceedings and to receive your further orders.

I am,

Your Excellency's humble serv<sup>t</sup>

JN<sup>o</sup> SIMPSON, Col<sup>o</sup>.

His Excellency William Tryon, Esq<sup>r</sup>

And desired the opinion and advice of the Council on the same. This Board taking the same into consideration recommended to His Excellency to give Orders to the Commanding Officers of the Craven Regiment of Malitia now under Arms in this Town at a General Muster; that part of the said Regiment remain in Town, for the protection of the Legislative Body and the peace of this Government till further orders.

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[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF STATE.]

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NORTH CAROLINA }  
Craven County }

The Deposition of Bexley John Lambden of Anson County in the Province aforesaid, Planter, about Thirty Nine Years of Age, who being sworn upon the Holy Evangelists, deposeth & saith, that in the Morning of the Thirtieth Day of November last, as this Deponent was riding the Road from Blunt's Ferry on Great Peedee to Cole's Bridge on Drowning Creek, he discovered in the Road aforesaid, near an old deserted Cabbin on the said Road, said to be formerly inhabited by John Bounds, between the said Cabbin and a Branch of Hitchcock's Creek, commonly called the Chalk Fork, a great Number of the Tracks of Men's Feet; in so much that from the Ford & Bridge of the said Chalk Fork, the Road appeared to be much trod & trampled with Men's Feet for many Yards, and near to the said Cabbin; and that this Deponent likewise saw from thence the Track of a large Man's Foot along the said Road to one Isaac Brigman's House, about Seven Miles from the said Cabbin; and that on calling at the said Brigman's, no Body came to the Door to this Deponent but a Woman, but that this Deponent saw the said Brigman toward the further side of the Room, and asked if M<sup>r</sup> Jarman was gone by? and that the said Brigman answered, that he went by about Midnight, and rode a large Bay Horse, and that he the said M<sup>r</sup> Jarman thought they were all abed and asleep at his the said Brigman's House, but that he the said M<sup>r</sup> Jarman was mistaken; and this Deponent further saith, that the said Brigman did not come to the Door during the Time of this Deponent's stay at the said House, but that in the Time of the Discourse this Deponent had with the said Brigman, he saw another Man in the Room with Brigman, which other Man only discovered himself partly, shily peeping at this Deponent, and that at the same Time there appeared to be some others in the said Room which this Deponent could not distinctly discover; that this Deponent has long understood the said Brigman's House to be a House of very evil Repute, where Horse Thieves and other Malefactors are frequently harbored and entertained, and where it is dangerous for any well disposed Person to stay at Night,—That this Deponent understands and has been informed, that no Person inhabits or lives on the said Chalk Fork,

or nearer thereto than the said Isaac Brigman's, and further this Deponent saith not.

BEXLEY JOHN LAMB DEN.

Sworn the Eighth Day of December, 1770, before me.

R<sup>d</sup>. COGDELL.

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[B. P. R. O. AMERICA & W. IND. N. C. VOL. 274.]

Circular Letter to Governor Tryon.

WHITEHALL Dec<sup>r</sup> 11<sup>th</sup> 1770.

The House of Commons having voted an augmentation to the King's Forces consisting (among other particulars) of an additional light Company to every Battalion and of 20 men to every Company on the British Establishment, and it being of great importance in the present situation that the several Battallions now serving in America should be completed as soon as possible, I am commanded to signify to you His Majesty's pleasure, that you should exert your utmost endeavours to give efficacy and dispatch to this plan of Augmentation by assisting His Majesty's Officers to raise such a number of recruits as shall be sufficient for that purpose giving every encouragement in your Power that may induce His Majesty's faithful subjects to engage in a service so essential to their security and defence, and I think it fit to press this matter with the greater urgency, as nothing has happened since my secret and confidential letter of the 28<sup>th</sup> September to strengthen the hopes I then expressed that the peace might still be preserved and consequently every motive for a vigilant attention to the security of every part of His Majesty's Dominions still exists in its full force.

I am &c,  
HILLSBOROUGH.

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[B. P. R. O. NORTH CAROLINA B. T. VOL. 23.]

Letter from the Board of Trade to Governor Tryon.

WHITEHALL Dec. 12<sup>th</sup> 1770.

SIR,

The Death of our late Counsel Sir Matthew Lamb, and the long interval between that Event and the appointment of M<sup>r</sup> Jackson to

that Office has occasioned a delay in the examination of the Laws of North Carolina passed in 1768 and 1769, which is more to be regretted, as they have reference to many important Matters & fundamental Constitutions of Government, & more especially as those, by which the Courts of Judicature are established, & their proceedings regulated, tho' in general well calculated to give stability to Government, and ease and satisfaction to the people, are yet in some particulars liable to material objection.

It is a requisite essential to the validity of the Laws of the Plantations, that they should be as nearly as may be conformable to the Laws of England; and no Deviation from their general rule is to be justified, but upon some obvious apparent Necessity arising out of peculiarity in situation and Circumstances, and therefore we were concerned to find, that the Superior Court Act had in the mode of Proceeding upon Attachments in Civil Suits extended its regulations, so far as that the Estate and Effects of a person who never had been in the Colony, were made liable to an attachment at the Suit of any person alleging himself to be a Creditor.

We are sensible that difference of Situation requires greater rigour in cases of persons absconding to avoid payment of their just Debts, than would be allowed of, or is necessary here; but when that rigour is extended to cases not falling within that rule of Distinction, and regulations are unnecessarily adopted, that do not correspond with the Letter and Spirit of the Laws of England, the Interests of this Kingdom become affected, and it is the Duty of Government here to interpose its Authority.

We have no doubt, that the force of this Objection (in which those of this Kingdom, who have dealings with North Carolina in Trade, do concur, and upon which the Agent himself is at least silent,) will weigh with the Legislature to amend that part of the Laws to which it applies, either by an explanatory Act in their next Session, or by omitting the provisions [objected] to, when the present Act comes to be revived after the expiration of the period fixed for its continuance; and We think it fit to observe, that nothing less than the fullest Confidence, that the Amendment will be made, would have justified Our not laying this Act (beneficial as it may be in other respects) before His Majesty for His Royal Disallowance.

Another part of this Act, which we wish to see amended, is that, by which the appointment of the clerk of the Courts is vested in the Chief Justice, contrary, as We conceive, to the practice in most other

Colonies, where such Officers are appointed, either by the King, or by the Governor; and therefore as it is our Duty to take care that His Majesty's Right to such Appointment is not set aside, so will it become you to use your best Endeavours, that this clause be omitted when a new Act is passed.

With regard to the Act for the Appointment of Sheriffs, which We consider as part of the general System for the more effectual Administration of Justice, it certainly contains many very useful and proper regulations; but as it does not leave a discretionary Power in the King's Governor of nominating a Sheriff, in case he should think fit to reject those recommended by the Judges, it does improperly, and as We conceive, unnecessarily deviate from the rule and usage in the Kingdom; and therefore unless the Legislature of North Carolina think fit to remove this Objection, it will become proper for us to advise His Majesty to disallow the present Law; for no consideration of general Utility and convenience can justify an Acquiescence in a regulation that does not correspond with the constitution of this Kingdom, in a case where there is no apparent Necessity for a deviation.

The Law for introducing a Circulation of British Copper halfpence seems to have been well intentioned, but besides that it is a regulation, which, in the nature of it ought not to have been made without the King's Consent previously obtained, and does also authorize the passing those halfpence at a rate greatly beyond their intrinsick Value, the Law itself is without any of those Guards necessary to prevent the introduction of that base Copper Coin which has so fraudulently prevailed, and been so much complained of in this Kingdom; and therefore we have thought fit to propose, that it should be disallowed; as also another Act intituled, "An Act for declaring certain Lots in the Town of New-bern, taken up by the Trustees for promoting the Publick School in said Town, saved and improved according to Law; and to empower the said Trustees to collect the Subscription due to the said School," which Act is very strongly objected to by Mr Jackson as setting aside the Statute of Limitations.

The Act for making provision for the Payment of the Forces raised to suppress the late Insurrections on the Western Frontiers, does certainly, in every light fall under the Description of those to which the 28<sup>th</sup> Article of your Instructions refers, and is also liable to objections, as containing Matters, which have no proper relation

each to the other; the Reasons however, which you state for having given your Assent to this Law, are very cogent; and while We admit them, as an Excuse for Ourselves in permitting the Operation of a Law, which (independent of the object of it) is certainly liable to objection.

We are Sir &c<sup>a</sup>  
HILLSBOROUGH  
SOAME JENYNS  
W<sup>m</sup>. FITZHERBERT,  
W. NORTHEY  
GREVILLE.

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[B. P. R. O. N<sup>o</sup> CAROLINA. B. T. VOL. 17.]

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AT THE COURT AT THE QUEENS HOUSE  
the 19<sup>th</sup> day of December 1770

Present

The Kings most Excellent Majesty  
in Council.

Whereas there was this Day read at the Board a Representation from the Lords Commissioners for Trade and Plantations Dated the 14<sup>th</sup> of this Instant together with a Draught of a Commission prepared by them for Josiah Martin Esquire to be Captain General and Governor in Chief of his Majesty's Province of North Carolina — And it appearing that the said Lords Commissioners have made the said Draught conformable to the Commission given by his Majesty to the late Governor of the said Province, His Majesty was pleased, with the advice of his Privy Council, to approve of the said Draught of a Commission (which is hereunto annexed) and to order, as it is hereby ordered, that the Right Honorable the Earl of Hillsborough, one of his Majesty's principal Secretaries of State, do cause a Warrant to be prepared for his Majesty's Royal Signature for passing a Commission agreeable to the said Draught under the Great Seal of Great Britain.



[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

### COUNCIL JOURNALS.

At a Council held at New Bern 20<sup>th</sup> December 1770.

Present

His Excellency the Governor

The Honble	{	James Hasell	William Dry	} Esquires
		John Rutherford	Robert Palmer	
		Lewis DeRosset	Martin Howard &	
		John Sampson	Samuel Cornell	

His Excellency acquainted the Board that having received information, that the House of Assembly had this day expelled one of their members from the said House, he sent to the Speaker for a copy of the Minutes of the proceedings of the House on that occasion, which was immediately sent him, and are in the following words, Viz<sup>t</sup>

NORTH CAROLINA — Ss.

In the Assembly 20<sup>th</sup> December 1770.

On motion — Resolved that the House resolve itself into a Committee of the whole house to take into Consideration the conduct and behaviour of Mr Herman Husband both as a Member of this House in particular and A member of the community in General.

The House resolved itself into a Committee of the whole House accordingly and chose Mr John Campbell Chairman who being placed in the Chair and some time spent, the Committee came to several Resolutions, which Mr Chairman was directed to Report to the House. And then on Motion Mr Speaker resumed the Chair, and Mr Chairman reported as follows, to wit,

1<sup>st</sup> Resolved that it appears to this Committee that Herman Husband a member of the Committee is one of the people who denominate themselves Regulators and that he hath been a principal mover and promoter of the late Riots and seditions in the County of Orange and other parts of this Province

2<sup>nd</sup> Resolved, That it appears to this Committee that a letter published in the *North Carolina Gazette* of the 14<sup>th</sup> of December directed to the Honorable Maurice Moore Esquire at New Berne and signed by James Hunter is a false Malicious and seditious Libel

3<sup>dly</sup> Resolved That it appears to this Committee that the above named Herman Husband was the Publisher of the said Libel.

4<sup>thly</sup> Resolved That it appears to this Committee that the said Herman Husband was guilty of gross prevarication and falsehood on his examination before the Committee of Propositions and Grievances, relative to the said Libel.

5<sup>thly</sup> Resolved that it appears to this Committee, that the said Herman Husband, hath insinuated in conversation that in case he should be confined by order of the House he expected down a number of People to release him.

6<sup>thly</sup> Resolved That in the opinion of this Committee that such an insinuation is a daring insult offered to this House and tending to intimidate the Members from a due discharge of their duty.

Then the question being put the said several Resolutions were agreed to by the House

Resolved that the conduct of the said Herman Husband both as a Member of this House in particular and of community in General has justly incurred the contempt of this House, and rendered him unworthy of a seat in this Assembly,

Resolved that the said Herman Husband immediately be expelled this House.

A true copy taken from the Journal.

By order J. GREEN, Jun<sup>or</sup> Clk.

His Excellency therefore refers the same to the consideration of this Board and desires their opinion and advice thereupon, and whether he may not order the said expelled member into custody, considering it may be of fatal consequence to the Country should he be suffered to rejoin the regulators in the back settlements of this Province.

The Board taking the same into consideration are unanimously of opinion that if the said Herman Husband should be suffered to rejoin the Regulators in the Back settlements of this province it might be attended with fatal consequence, and therefore requested the Chief Justice, (being present) to take proper depositions, and immediately thereupon to issue his warrant for the apprehending him the said Herman Husband.

The Chief Justice thereupon received information, in Council on Oath, that Herman Husband was the publisher of a seditious and libellous letter in the North Carolina Gazette directed to Maurice

Moore Esquire, and issued a warrant against the said Herman Husband for the same.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Letter from James Iredell to John Harvey Esq.

EDENTON, 21<sup>st</sup> Dec<sup>r</sup> 1770.

SIR,

It gives me very great pleasure to hear that you are so much better & I most heartily wish you may soon have a perfect recovery — I only left Newbern last Saturday, & brought with me letter from your son, which I have given to M<sup>r</sup> Skinner, to be forwarded to you — I believe he has inclosed you the speech & address, or I would have sent them to you — Before I left Newbern, the Assembly had done nothing — but since there have been appearances very alarming. — The day I left Town (Newbern) M<sup>r</sup> Johnston presented a spirited Bill to the House upon the subject of punishing the Regulators — The substance (as nearly as I can recollect from what he told me of it) was this — to enforce in effect, tho' not in express words, the Riot Act as it is in England — to empower the King's Attorney or any of his Deputies to prosecute in any part of the province — & if any Person so prosecuted did not surrender in a limited time, that they should stand convicted and outlawed — impowering likewise the Governor to take such draughts from the Militia as he should think necessary to enforce the execution of the civil Power. This Bill, I believe, Sir, you would have thought expedient, tho' severe — but desperate diseases must have desperate Remedies — the bill, however, was ordered to lie upon the Table & immediately a Committee was appointed (among whom were M. Moore, A. Nash, H. Edwards, Thos Parsons &c) to prepare a Bill for regulating Officers fees, & for other purposes — A favorite scheme in agitation is, for allowing all Clerks, Salaries — C. C. — from £50 to 70 p ann. S. C. — from £70 to 100 — No Fees whatever are to be allowed — the Lawyers are to be scourged too — In short, it seems that a majority of the house are of regulating Principles — & not only determined upon a levelling plan, but will be very reluctant (if at all to be persuaded) in passing any Law for a spirited vindication of the honor of Government — Your absence, Sir, at so critical a period is much to be

lamented,—but yourself is equally to be pitied for the unhappy occasion, as your Country for the unhappy Effects of it.

‘I wish time would permit me to pay you a visit, but tho’ I am prevented that pleasure, I beg leave to assure you no person is with greater Truth & Respect, Sir,

Your most humble & obed<sup>t</sup> serv<sup>t</sup>

JA<sup>s</sup> IREDELL.

I beg leave to desire my best Compliments to M<sup>rs</sup> Harvey & the rest of your very agreeable Family.

[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF STATE.]

An Account of Fees received by His Excellency Governor Tryon on each particular Instrument issued by Him.

	£	s.	d.
For a Charter.....	10	00	00
For each Patent for Land.....		1	8
For every hundred Acres contained in a Warrant for Land.....		5	4
For a Marriage Licence.....	1	00	00
For a Tavern Licence.....	1	00	00
For a Pedlars Licence (The Act repealed by His Majesty).....	2	00	00
For a Licence to an Attorney to plead in the Superior Courts.....	3	00	00
For a Licence to an Attorney to plead in the Inferior Courts.....	1	10	00
For an Injunction.....		6	00
For a Decree in Chancery.....	2	00	00
For a Writ of Ne exeat Provincio.....	10	00	
For an Attachment.....		5	4
For a Dedimus Protestatem.....		5	4
For the Probate of a Will.....		5	00
For a Letter of Administration.....		5	4
For d <sup>o</sup> Testamentary.....		5	4
For an Assignment of an Administration Bond.....		5	4
For a Testimonial.....		5	4
For a Chief Justices Commission, Baron of the Exchequers, Associate Justices, Judge of the Admiraltys, Attorney Generals, Secretaries, Auditors, Clerk of the Pleas, Clerks of the Council & Assembly, Captain of Fort Johnston’s Collectors, Comptrollers & Naval Officers, each.....	10	00	

	£	s.	d.
For a Rangers Commission.....	1	8	00
For a Sheriffs, Coroners, Registers and Notary Public's Commissions, each.....		10	00
For an Assignment of a Ships Bond.....		5	4
For a Ships Register.....		13	4
For Pilot Warrant.....		10	00
For a Mediterranean Pass			

	£	s.	d.
For the Secretary of the Admiralty.....	2	10	00
Private Secretary.....	1	00	00
Governors Fee.....	1	10	00

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5 00 00

W<sup>m</sup>. TRYON.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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### COUNCIL JOURNALS.

At a Council held at the Council Chamber at New Bern 31<sup>st</sup>  
December 1770

Present

	His Excellency the Governor		
The Honble	{	James Hasell	} Esquires
		John Rutherford	
		Lewis DeRosset	
		John Sampson	
		William Dry	
		Robert Palmer	
		Martin Howard	
		Samuel Cornell	

His Excellency acquainted the Board that John London declined acting any longer as Secretary, And that he had appointed Robert Palmer Esquire Secretary and Clerk of the Crown of this Province which Commission being produced the said Robert Palmer took the Oaths appointed for the Qualification of Publick Officers subscribed the test and took the Oath for the due execution of the said Office.

Ordered that the Court of Claims be Advertised to be held at New Bern on the 10<sup>th</sup> day of April next.

The Petition of Daniel McFeters being Read, Ordered a Warrant of Resurvey issue and that the Surveyor General cause the courses and distances to be run agreeable to his Patent to ascertain the lines thereof.

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[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF State.]

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Loyal "Regulators'" Association.

We the Subscribers true & Faithful subjects of our Sovereign Lord King George the third (whom may God long preserve) having for a very considerable Time past been justly alarmed at the unaccountable conduct & behaviour of a set of people, who have impudently usurped the Title of Regulators; & being now roused by the unparalleled Insolence offered by an assembled Body of them to one of his Majesty's Sup<sup>r</sup> Courts of Justice begun at Hillsborough on the 22<sup>d</sup> Day of Sep<sup>r</sup> last past, & at the lawless & Brutal Violence excited against the Members of the Court in the presence of the Judge, (*sedente Curia*) & seeing & hearing with the heaviest Concern & most alarming apprehensions the numberless outrages committed by them in the most open & daring manner against the persons liberties & properties of many of our fellow subjects are stimulated to step forth with a manly & loyal Resolution in support of the Laws & constitution of our Country. Declaring in the Integrity of our hearts that we think it not only an authority permitted, but a duty enjoined by the Laws of God & Nation, strenuously and bravely to defend ourselves against & openly when called upon to oppose such who by these proceedings, now demonstrate to the World that they are actuated by a spirit of licentiousness sedition & Riot & that they have adopted principles & are pursuing measures dangerous to the Constitution subversive of all the ends & Designs of Good Government obstructing the Execution of wise & beneficial Laws violating the common Rights of mankind in Society & destructive to the peace & prosperity of the publick — We profess to fear God & Reverence Religion — & we mean by this our unanimous association on this awful & trying occasion to approve ourselves the declared Friends of our happy Constitution & supporters of those Glorious British Maxims & Laws whereby we are entituled to the protection of our persons & a security in the peaceable and undisturbed possession of all our boasted Rights Liberties & privileges as freeborn English subjects — We esteem it a Duty inculcated by our Blessed Religion (the best natural institution on earth) & a Doctrine clearly established by Holy Writ that every man is by Nature a soldier against the Traitors of his King, & those who would disturb the peace of Society, or Violate the Laws of his Country;

we further esteem it our Christian Duty to relieve the poor protect the Innocent & to redress the injured — & finally since neither the Fear of God, the sacred awe of Religion, the authority of Laws nor yet the love of Mankind are sufficient to restrain these infatuated people from the most astonishing Depredations & unheard of Acts of Barbarity & Cruelty, We feel ourselves constrained by the Dictates of self preservation a principle not imbibed by Education or inculcated by municipal obligation, but instilled in the soul & impressed upon the Human Heart at our Nativity by the God of universal Nature — to enter into this Association Wherefore We do solemnly & sincerely depose & swear on the Holy Evangelists of Almighty God that we will for the grand purposes aforementioned be true to & stand faithfully by assist & protect each other & that whenever We are called upon or required that we will immediately laying aside all other Business & Concerns repair properly accoutred for the purposes of self preservation & mutual Defence ready to enter upon any Enterprize that shall be agreed upon by a Majority of the Redressors present & continue the pursuit of such undertaking until relinquished by a consent of Majority present & that we will on every occasion in consequence of this our Engagement convene together as soon as possible & protect support & Defend each other to the utmost of our powers & abilities, so help us God.

Redressors to be our Title, & Rules for Government & Conduct of ourselves to be established occasionally by the Majority of our Body.

Edm <sup>d</sup> Fanning	David Harris	Jacob Mason
Francis Nash	Lem Benton	Joseph Glasson
Ja <sup>s</sup> Monroe	John Tudor	John Roberts
Adlai Osburn	Joseph Possey	Tho <sup>s</sup> Harte
Alex <sup>r</sup> Martin	Peter Leuery	James Murphey
W <sup>m</sup> Hallums	Jesse Benton	Joseph Rogers
John Litterel	John Hagan	Jn <sup>o</sup> Cameron
-- M <sup>c</sup> Cave	Tho <sup>s</sup> Johnston	Thomas Farmer
Ja <sup>s</sup> Morroe	Jn <sup>o</sup> Nunn	Josiah Lyon
Ja <sup>s</sup> Dwining	Isaiah Hogan	Jo Garner Jr
W <sup>m</sup> Nunn	John Wood	Jno. Hay
Ro <sup>n</sup> Harris	James Durnin	John Woods
Len <sup>r</sup> Henly Bullock	Ransom Southerland	John Collins
W <sup>m</sup> . Williams	John Henley	Jeremiah Horton
Joseph Williams Jun <sup>r</sup>	Hope Taylor	Will <sup>r</sup> Mebane
Thomas Henderson	Zachariah Hogan	Will <sup>r</sup> Thetford.

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Stephen Jett	Tho <sup>s</sup> Carter	Hugh Tinnin
A 36 Y	Darby Henly	Benjamin Thompson
Thomas Stroud	Edmund Hendly	Step <sup>h</sup> Poe
John Harris	Ja <sup>s</sup> Dunbar Hendly	W <sup>m</sup> Johnston

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[B. P. R. O. JOURNALS. B. T. VOL. 78.]

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### BOARD OF TRADE JOURNALS.

At a Meeting of His Maj<sup>ty</sup>s Comm<sup>rs</sup> for Trade & Plantations  
Wednesday January 3<sup>d</sup>, 1770.

Present

Mr Jenyns,

Mr Fitzherbert.

The Earl of Hillsborough one of His Maj. principal Secretaries of State being present the following Orders of Reference were read  
Viz:—

[P. 4.]

Order of the Lords of the Committee of Council dated 21<sup>st</sup> Dec. 1769 referring to this Board for their consideration and report copies of several papers relative to a Boundary line proposed between South & North Carolina.

[P. 98.]

Monday April 30<sup>th</sup>, 1770

Present

Mr Jenyns

Mr Eliot

Mr Roberts

Mr Fitzherbert

Lord Greville

Mr Northey

The Earl of Hillsborough also present Draughts of Representation to His Majesty recommending several persons to be appointed Members of the Council in North Carolina &c having been prepared pursuant to order were approved & signed in accordance with the recommendation of the Governor of North Carolina &c.

[P. 166.]

Wednesday July 18<sup>th</sup> 1770

Read a letter from Henry Eustace M<sup>c</sup>Culloh to the Earl of Hillsborough dated 18<sup>th</sup> July 1770 desiring leave to resign his seat as a Member of the Council of North Carolina



[P. 209.]

Wednesday November 21<sup>st</sup> 1770

Their Lordships took into consideration several laws passed in the Province of North Carolina in 1768 and 1769 together with M<sup>r</sup> Jackson's Report thereupon and made some progress therein

[P. 209.]

Wednesday December 5<sup>th</sup> 1770.

Their Lordships took into further consideration the laws of North Carolina passed in the years 1768 and 1769 mentioned in the Minutes of the 21<sup>st</sup> ult<sup>o</sup> together with M<sup>r</sup> Jackson's Report thereupon, and M<sup>r</sup> Jackson attending as also M<sup>r</sup> Pridgen a Merchant of London trading to North Carolina, M<sup>r</sup> Strudwick one of the Council of the said Province, their Lordships had some discourse with them on that part of the law for establishing Superior Courts of Judicature which directs the mode of proceeding in Civil suits by attachment.

[P. 221.]

Thursday December 6<sup>th</sup> 1770.

The Earl of Hillsborough present Their Lordships made a further progress in the consideration of the laws of North Carolina mentioned in the preceding Minutes, and M<sup>r</sup> Jackson attending the Board had further discourse with him on the subject of two of the said laws by which Inspectors notes & receipts are made a legal tender in payment of debts and taxes.

[P. 223.]

Friday December 7<sup>th</sup> 1770.

The Earl of Hillsborough present. Their Lordships took into further consideration the laws of North Carolina mentioned in the preceding Minutes, and M<sup>r</sup> Jackson attending as also the Agent and M<sup>r</sup> Strudwick one of the Council of the said Province, their Lordships had further discourse with them on the subject of several of the said laws

Ordered that the Draught of a Representation to His Majesty be prepared proposing that the two following Acts passed in the Province of North Carolina in December 1768 should be disallowed Viz:

An Act to encourage the importation of British Foreign Half pence and for making them a tender for the payment of small debts.

An Act for declaring certain lots in the Town of New Bern taken up by the Trustees for promoting the public school in the said Town

saved and improved according to law and to empower the said Trustees to collect the subscriptions due to the said school.

Ordered that the Draught of a letter to the Governor of North Carolina containing the Boards observations upon several of the laws passed in that Province in the years 1768 and 1769 be prepared

[P. 226.]

Wednesday December 12<sup>th</sup> 1770.

The Earl of Hillsborough being present his Lordship acquainted the Board with the death of Lord Botetourt Governor of Virginia, that the King had been pleased in consequence thereof to appoint the Earl Dunmore Governor of Virginia, Wm. Tryon Esq to be Governor of New York and Josiah Martin Esq to be Governor of North Carolina, and that it was His Maj. pleasure that this Board should prepare Draughts of Commissions & Instructions for the said Governors.

Ordered that Draughts of Commissions & Instructions be accordingly prepared.

The draught of a letter to the Gov<sup>r</sup> of North Carolina on the subject of several laws passed there in 1768 & 1769 having been prepared pursuant to order, was approved transcribed & signed.

[P. 231.]

Friday December 14<sup>th</sup> 1770.

The draughts of Representations to His Maj. with draughts of Commissions for the Governors of Virginia New York & No. Carolina were approved transcribed & signed.

FROM RECORDS IN OFFICE OF

NORTH CAROLINA.

Public Debts due in this Province

		1754, 1755	1756	1757	1758	1759	1760	1761
	Town Robinson .....	264 2 0	Principal	and securi	ties sued b	y R. Jones, Esq, a	nd all r	
	Alexander Gordon .....		Principal	ties in So	Carolina,	worth m	oney	132 3
Anson .....	Anthony Hutchins .....							
	Morgan Brown .....							
	Charles Medlock .....							
	Mars. Diggs .....							
	James Picket .....							
	William Picket .....							
	Fran. Moseley .....	appointed	by act of	Assembly,				
	Thomas Bonner .....						61 10 6	Judgm't
Beaufort .....	Samuel Taylor .....							28 17 1
	Henry Locky .....							
	Anderson Ellison .....							
	David Stanley .....							
Bertie .....	Humph. Nichols .....							
	Ditto .....							
	Robert Johnston .....							
Bladen .....	James White .....							
	Ditto .....							
	Christopher Cains .....							
Brunswick .....	Ditto .....							
	Julius Nichols .....							
Bute .....	James Ransom .....							
	Robert Read .....							
Carteret .....	Thomas Chadwick .....							
	Joseph Blount .....							
	Thomas Bonner .....							
Chowan .....	Thomas Benberry .....							
	James Blount .....							
	William Williams .....					797 18 0	Judgm't	Princip
Currituck .....	Solomon Perkins .....							
	Duncan M'Neil .....					55 0 0	Judgm't	This s
	Ditto .....						169 16 0	Judgm't
	William Armstrong .....							46 11
	Ditto .....							
Cumberland .....	Isalah Parvisol .....							
	James Simpson .....							
	No sheriff or collector for these years, and unless the legislatur e does so mething to comp							
	Robert Rowan .....							
	Ditto .....							
	Joseph Carruthers .....					248 7 3	Judgm't	and on
Craven .....	William Bryan .....							
	Ditto .....							
	James Kenan .....							
	Owen Kenan .....							
Duplin .....	Felix Kenan .....							
	Ditto .....							
	Stephen Cade .....	} It is said these into each	four men	play } others ha	nd. }	536 19 }	Jgmt. vs. thesecur	Prinp'l
	Abraham Shepherd .....							titles ass
Dobbs .....	Simon Bright .....							201 18 1
	Thomas Edwards .....							
	John Weaver .....							
	Abram Sheppard .....							
	Edward Moore .....			For	the years	1759, 1760,	1761.	408 6
Edgecombe .....	Abraham Jones .....				364 7 3	Judgm't,	& lands l	evied on
	Samuel Ruffin .....							
	Joseph Moore .....							
	Sherwood Haywood .....							

SECRETARY OF STATE.

for the Years Undermentioned.

1762	1763	1764	1765	1766	1767	1768	1769	1770	
away. Judgment 142 6 0	ver. princpal and securities: Nothing to be found. Neither principal or 235 10 1	pal and securities: Nothing to be found. Neither principal or 236 14 7		Nothing to be found. Securities bad. Th principal or 132 3 2	be found. There are lands which I securities worth a groat. This will be got. 165 9 5	in this province. It is said, are fraud. conveyed. 191 5 4	vince. It is said, are fraud. conveyed. 216 7 9		
								280 17 6	1978 18 10
and execution out. Not finally settled.	tion out. Not finally settled.	Is good.						214 19 6	
					385 17- 6	Suit good. 347 15 0		51 12 6	357 0 4
							301 13 4	Good. 615 8 4	1650 14 2
			124 4 11	251 8 0	303 0 0	J'dgm't vs	prin.sec.to sue, they are good. 859 1 9	565 16 8	1603 11 4
							407 8 0	436 16 8	844 4 8
					538 16 1	Suit. Prin. and securi	ties good 802 12 6	1341 8 7	
		94 17 5	Judgment				133 13 0	140 17 6	369 8 5
				90 13 10	Good. 137 3 4	514 0 10	Suits. 488 9 2	465 10 0	1695 17 2
and securities all dead and insolvent, says J. M.								272 18 4	1070 16 4
Ferquard giving 200 7 0	d Campbell, Esq, pro a little time this will be got, but 297 12 9	l, Esq, pro a little time this will be got, but 354 19 4	mised to be got, but 265 13 8	pay. If he is distressed it Judgment died insol 126 15 0	against securities & Judgment vs. securit 324 16 10	will ruin him, & the debt will be lost. 315 0 2	im, & the debt will be lost. 228 2 1		
a collection of these taxes, they will be lost.	tion of these taxes, they will be lost.	e taxes, they will be lost.	Principal 126 15 0	lost.				384 2 6	2766 16 9
execution, negroes, &c, were sold by R. Cogdell & bonds taken payable to the treasurer.	on, negroes, &c, were sold by R. Cogdell & bonds taken payable to the treasurer.	s, &c, were sold by R. Cogdell & bonds taken payable to the treasurer.		Cogdell & bonds taken payable to the treasurer.				743 15 0	1733 1 3
			255 16 9	314 3 3	Judgment and execution out. 437 5 6	450 13 0	Will be got Judgment 409 16 0	436 18 4	2304 12 10
curities. d me, he Judgment.	Sherffs of has paid S 349 16 2	Dobbs have Simon Brig 528 7 6	e always returned no rif, 250 odd Judgment 92 1 4	thing to be found. C of Cade's 339 1 4	Judgment 580 18 0	543 6 8	526 4 10	Judgm't 594 8 4	4293 2 0
allance. proposed to be sufficient.	Insolvents and comm 245 13 4	issions to be taken out. 214 1 0			568 15 2	Suit.	608 8 8	Sec good & princp'l. 341 3 8	3150 18 5

## PUBLIC DEBT DUE,

		1754, 1755	1756	1757	1758	1759	1760	1761
Granville	Philip Pryor James Yancey Leon. Henry Bullock Robert Harris							
Halifax	Robert Haywood Montfort Eelbeck							
Hertford	John Baker Mathias Brickle William Murfree							
Hyde	John Webster Fincas Latham							
Johnston	Stephen Cade Joseph Haughton John M'Cullers Phil. Jones John Rogers				970 6 1	Judgm't 7 18 0	but noth Judge H	ing to be enderson
Mecklenburg	Moses Alexander William Moore Ditto Adam Alexander	is appoint	ed to colle	ct this year's	tax, in	the stead	of James	Wyley,
New Hanover	William Walker John Walker Obadiah Holt John Lyon					968 16 0	Judgm't 94 19 0	but no s 780 14 3
Northampton	William Allan Joseph Sykes Lewis Williamson							
Onslow	Henry Rhodes Lewis Williams							
Orange	William Reed Lau. Thompson Josiah Dickson William Nunn Tyree Harris John Lea John Butler Tho. Donaldson	1157 12 5 Judgm. for Judgment	1756, 1757, for 1758 and	667 5 8 1759,	1165 14 0	{ These j'dgm'ts are stop		
Pitt	Abraham Tyson George Moy William Moore							
Pasquotank	Theophilus Leonard William Relfe Isaac Gregory							
Perquimons	William Skinner							
Rowan	David Jones Edward Hughes Benjamin Milner William Nassery Francis Lock Griffith Rutherford Andrew All son William T. Cole			1205 8 0	Judgment 475 13 4	Both pri Judgm't	ncipal & Hu. Mont	securitie tgomery
Tyrrel	Jeremiah Wynn John Hardison Edm. S. Smithwick James Johnston John M'Kildo James Long Joseph Spruill	dead. A	trifling bal	ance, Uncertain.				269 0 7 2 5 6
Tryon	John Tygart							

N. B. There have been some payments made to the Treasurers since this Account has been made out, and

c. — Continued.

1762	1763	1764	1765	1766	1767	1768	1769	1770	
28 18 3	Judgment		450 4 9	Suit doubtful.	240 4 1	Time given	by act of assembly.	Suit com.	
							642 1 8	471 12 6	2033 1 3
							485 2 4	676 6 4	961 8 8
		188 17 10	106 13 3	Suit.	499 0 2	Suit.	520 6 8	526 3 4	1841 1 3
						210 10 7	190 6 6	225 9 2	626 6 3
and pay.			242 2 2	271 13 10 Judgment	Suit and for 1768,	judgment.	423 16 9	568 15 0	3015 5 3
					612 1 1	590 13 8	321 14 7	372 15 0	1897 4 4
act of assembly, January, 1771.									
urities taken and ign't vs securities.	nothing to All good.	be got.	378 14 4	Judgment	vs. securities.	Good.	601 11 1	597 6 8	3422 1 4
			264 2 6	Suit depending.	Securities go	od.	733 7 0	dead. Sec	urities g'd
					279 12 2			598 11 6	1875 13 2
						246 10 6	321 15 7	368 13 4	936 19 5
d by inj	unction, &	supposed	will fall short	L.	583 17 0	It is calculated	ated according	ingly.	
	200 3 6	989 14 4	889 16 6	Suit. Time	given by	act of assembly.	mbly.	ditto.	
				582 5 0	861 2 9	Suit. Time	given by	by ditto.	
						1063 2 6	Suit. Time		
							1123 10 0	1063 2 6	9180 11 9
			518 13 3	Judgment	and execution.				
				61 7 9	Execution		230 3 0	301 0 0	1010 3 0
	184 6 5	Suit good.	in former	accounts	said to be	L	273 18 6	Suit.	
							392 18 4	366 3 10	651 5 10
									1594 14 5
								494 13 4	494 13 4
ad. d all	securities.	Good.							
61 14 3	Judgment	vs. securities.	Edm.	Fanning	assumed, in	open court,	to pay.		
	505 5 7	Sued. Bad	try the se	curities.					
			486 3 8		808 9 11				
	{Time g	ven to coll	ect these }			1146 0 0	1073 6 8	1149 3 4	7071 4 9
	{3 years, b	y act of as	sembly. }						
Suit	doubtful.					173 10 0	229 0 0	Suits.	
		401 8 5	Judgment	vs lands,	the only assets.				
			210 12 0	255 0 0	Suits. Ins	olvents not	allowed.		
					314 8 0	Suit good.		223 2 6	2108 7 0
							311 5 4	473 1 8	784 7 0
									64013 13 3
utstandi	ng in rum	duties by	account last	assembly					2429 7 6
tal sum	outstandi	ng, and un	collected, &c.	L.					66443 0 9

It be taken notice of by the Committee of Accounts, in settlement with the Treasurers. J. BURGWIN.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

### LEGISLATIVE JOURNALS.

#### NORTH CAROLINA — Ss.

At an Assembly begun and held at New Bern the fifth day of December in the eleventh year of his Majestys Reign and in the year of our Lord one thousand seven hundred and twenty, being the first Session of this Assembly,

In the upper House  
Present.

The Honble {	James Hasell	William Dry	} Esquires
	John Rutherford	Robert Palmer	
	John Sampson	and	
	Alexander M <sup>c</sup> Culloch	Samuel Cornell	

His Excellency the Governor was pleased to command the immediate attendance of the Members of the upper and lower houses of Assembly, in the Council Chamber, where they accordingly attended, and thereupon his Excellency made to both Houses the following Speech, Viz<sup>t</sup>

GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL MR SPEAKER  
AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

Nothing can be more seasonable or more grateful to me than my meeting you at this time in so full Assembly, while objects the most interesting to this Country wait your deliberation. On this occasion I purpose to declare my mind with much freedom considering that I am now speaking to every freeholder in the Province through their Representatives on matters of the highest importance to them. Setting aside therefore every lesser consideration for the present, I shall confine myself chiefly to those four points in which in the most urgent manner I offer for your consideration —

The abuses in the conduct of the public funds, the General complaints against public Officers and Offices, The evils arising from the circulation of counterfeit money, And the injuries offered to his Majestys Government and his Subjects at, and since the last Hillsborough Superior Court.

It is a matter of much concern to me, and must be to every honest Man in the Country, that after the frequent solicitations

that have been made for a just state of the public Revenue, no such account has been hitherto produced. The Plan I laid before the last Assembly for keeping the public accounts, stands unimpaired as to propriety, regularity and method. I refer it therefore to your reconsideration, and wish it may now be adopted by the force of a Law, flattering myself it will give the fullest satisfaction to the Public. In my opinion Treasurers, while in Office, should be restricted, under severe penalties, and the loss of their employment, from entering either directly or indirectly into any kind of Commerce. Such a restraint would guard against the temptation of imploying the public money as a stock in private trade and allow them sufficient leisure to attend the duties of their office

The liberty former Treasurers have assumed to themselves, for I know of no such power given them by Law, of taking monies at pleasure from one fund to make up the deficiency of others, has been a conduct of much prejudice to the Country; a practice unknown in any well regulated State, and introductive of much confusion in the public accounts. The appropriation of public monies are ever held sacred to the purpose to which they are raised. Nothing less than an Act of the Legislature, upon great emergency ought to carry them out of their proper channel.

These are suggestions that occur to me on the subject of the public revenue. When you reflect that a considerable sum of money is always lost to the public, and more in danger of being so by the irregular conduct of the officers of the Revenue, in keeping and settling their accounts, I hope you will think with me that the prosperity of the Colony immediately depends upon establishing such regulations in the Treasurer's Office as will prevent future irregularities, bring to public view what are past, and remove the jealousies entertained by the people with respect to that office.

Let me next recommend to you to make the most scrupulous enquiries into the complaints against public offices and officers in the Government, and to provide as well for the redress of those which have an existence as to establish the Fees of Office in so express and determined a manner as will put them beyond the possibility of doubt or abuse. This will give great and just content to the public; you shall be furnished with an account of the Fees taken by me on each instrument I have issued, that the Country may be informed of my conduct in this particular.



The circulation of so large a quantity of counterfeit currency among us affords presumption that persons of more considerable property than those of moderate substance, have been concerned in this base and dishonorable traffic. An evil absolutely destructive of public credit and operating to the ruin of many honest homes and families. Were those who have passed sums of that counterfeit currency called upon by you, to declare from whom it was received, very probably by tracing it up, the Authors of this iniquity might be discovered.

The papers and depositions I have received respecting the late outrages at Hillsborough which I shall lay before you are the proceedings of a seditious mob, Men, who regardless of the royal clemency for former trespasses, and in open contempt of the admonition given them by a Resolve of your House last Session, have (accompanied with circumstances the most insolent and inhuman) torn down justice from her Tribunal and renounced all Legislative authority. Were these men who have broken through all the bounds of human society, and trampled under foot the Laws of their Country, allowed to shelter themselves under those Laws, the situation of this Country would be deplorable indeed; Social Liberty must then yield to brutal licentiousness, and the honest of all conditions become a prey to the wicked. I am told these Insurgents are determined in the prosecution of their profligate design, admit it to be so, Government has already shewn itself able to control them, and when armed with your manly determinations has sufficient force under the Providence of God, effectually to suppress these dangerous Connections, to punish the Ringleaders, and to bring back the deluded to the duty of good citizens and good Subjects. For the attainment of these desirable ends I am bound in justice and duty to recommend to you to provide for the raising a sufficient body of men, under the rules and discipline of War, to march into the settlements of those Insurgents in order to aid and protect the Magistrates and civil Officers in the execution of those Laws now existing, or such others as may at this critical juncture be found expedient, for restoring the public tranquility of the whole Colony.

You have now my unreserved sentiments of the present state of your public Affairs. I have much to wish they may penetrate into your hearts with the same warmth of sensibility that they flow from mine, and that you, with a becoming Spirit stand forth to vindicate the insulted honor and dignity of His Majesty's sacred person and

Government, in justice to your own violated Rights, and in humanity to the duties you owe your much injured Countrymen, who from the very nature and obligation of civil Society, claim from the Legislature full security and protection in their persons and properties. And I have also much to wish, that you may wipe away the stain, thrown by these deluded people, and their seditious Ringleaders, upon an Administration that has been unwearied in every possible attention towards the advancement of the prosperity and Perfection of this Community.

I gladly embrace the opportunity here offered me of making my grateful acknowledgments to the Country for the gift of this very elegant and noble structure for the residence of myself and successors in administration, A Palace that is a public ornament and credit to the Colony, as well as an honor to British America. A construction I am persuaded from the strength and choice of its materials, The integrity, diligence and ability of the Architect, with the skill of the several Artificers employed, will remain a lasting Monument of the liberality of this Country. I have the satisfaction to acquaint you the money already voted, and which has been taken up, will be sufficient to carry the plan into execution, and that too within a few months. The disbursements for carrying on this work are ready to be laid before you whenever you have leisure to inspect them.

Gentlemen of the House of Assembly, I am to apply to you for a continuance of the present establishment of Fort Johnston, and to make immediate provision of powder and lead for his Majesty's service and the public Safety. Let us no longer remain unprovided with Articles so essential to our defence against the attempts of a foreign enemy who may possibly at this day be in a State of War with Great Britain, The Guardian of our Commerce, and protector from hostile invasion. I am directed to lay before you a Memorial from some Merchants in London to one of his Majesty's Secretaries of State, respecting the packing and shipping of naval stores to the Mother Country, therefore I hope you will give due attention to the regulations recommended in the same.

If those times had permitted, I should have recommended to you to establish a public Seminary in some part of the back-Country of this Colony for the education of youth. An Institution of this sort, and in those parts would be very beneficial, by instructing the rising generation in the principles of religion and virtue in that healthy

and fertile climate; possibly you may not lose sight of this object in a more favorable opportunity.

Gentlemen of His Majesty's Honorable Council and Mr Speaker and Gentlemen of the House of Assembly, It is a pleasing consideration to reflect I have been happy in the favorable attention of this Country. I confess I feel an ardent desire to experience the like Testimony at this important crisis, and that we may with candor, sincerity and firmness, co-operate in Measures for the public good. Believe me, the cause before us is not a cause of an individual, or an opposition merely to administration, but to the Constitution. If therefore these seditions are not speedily suppressed, they may spread their contagion through the Continent, and disturb the tranquility of every Colony in his Majesty's American Dominions. Suffer not then the malicious humours of dark designing malice, nor the intrigues of sedition, to turn us from the road of Justice or stagger us in the path of Honor. These are invaluable rights of honest men, and lead to virtues which cast the highest lustre on Acts of Legislation.

I shall detain you no longer than to inform you, that as his Majesty has been graciously pleased to indulge me with leave of absence from this Government, I shall esteem myself honorably rewarded, for my invariable endeavours to discharge the duties of my station, in promoting the welfare of this Province, if I have the happiness on my return to England to give my Royal Master the assurance that by your wisdom and vigor I have been enabled to give stability and a permanent regularity to the interior police of this Country, and to restore among you the blessings of peace.

WILLIAM TRYON.

Then the House returned from the Council Chamber, and on motion adjourned till 10 o'clock tomorrow morning.

Thursday Morning December 6<sup>th</sup> 1770.

The House met according to adjournment

Present as before.

Received from His Excellency the Governor the following Message —

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

Mr James Green Jun<sup>r</sup> having obtained from me a Commission of Clerk of the lower House of Assembly, You will please admit him to qualify to the same accordingly

WILLIAM TRYON.

NEWBERN the 6<sup>th</sup> December 1770.

On motion ordered, That his Excellencys Speech be read, the same was read and taken under consideration, And thereupon that the Honble Robert Palmer and Samuel Cornell Esquires be, and accordingly are, appointed a Committee of this House to draw up and prepare an Address in answer to His Excellency's Speech.

The Honble Robert Palmer and Samuel Cornell Esquires reported to this House, that in pursuance of His Excellency's Message they had qualified Mr James Green Clerk of the Lower House

Then the House adjourned till four oclock this afternoon.

Thursday P. M.

The House met according to adjournment

Adjourned to 10<sup>o</sup>Clock tomorrow Morning.

Friday Morning December 7<sup>th</sup> 1770.

The House met according to adjournment.

Present

The Honble	{	James Hasell	Alexander M <sup>c</sup> Culloch	}	Esquires
		John Rutherford	William Dry		
		Lewis DeRosset	Robert Palmer		
		John Sampson	Samuel Cornell		

Then the House adjourned till 4 o'clock this afternoon

Friday P. M.

The House met according to adjournment

Then the House adjourned till 10<sup>o</sup>Clock tomorrow morning

Saturday Morning December 8<sup>th</sup> 1770

The House met according to adjournment

Present

The Honble	{	James Hasell	William Dry	}	Esquires
		Lewis DeRosset	Robert Palmer		
		John Sampson	Martin Howard		
		Alexander M <sup>c</sup> Culloch	Samuel Cornell		

On motion ordered that the Honble Martin Howard Esqr be added

to the Committee for drawing up and preparing an Address in answer to His Excellency's Speech at the opening of the Session.

Received from the Assembly by Mr Cray and Mr Gray, the following Message, Viz'

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

This House have appointed Mr Harnett, Mr Johnston, Mr Hewes, Mr Nash, Mr Macknight, Mr Fanning, Mr Knox, Mr Christ° Neale, Mr Thompson, Mr Benjamin Person, Mr Stuart, Mr Cray, Mr Shepard a Committee of this House to State the public accounts of this Province.

And Mr Haywood, Mr Jacob Blount, Mr Vail, Mr James Blount, Mr Davis, Mr Campbell, Mr Polk, Mr Mackilwean, Mr Lane, Mr Dunn, and Mr Gray a Committee of this House to settle and allow public Claims, in conjunction with such of your Honours, as you shall think fit to appoint

R<sup>a</sup> CASWELL Speaker.

By order J. GREEN Jun<sup>r</sup> Clk.

In the Assembly, 8<sup>th</sup> December 1770.

Then the House adjourned till 4 °Clock this afternoon.

Saturday P. M.

The House met according to adjournment

Then adjourned to 10 °Clock on Monday Morning.

Monday Morning December 10<sup>th</sup> 1770.

The House met according to adjournment.

Present as before.

The Committee appointed to draw up an Address in Answer to his Excellency's Speech, Reported that they had prepared the same, which was now ordered to be read, the same was read and approved of, and Resolved that it stand the Address of this House and be entered on the Journals thereof as follows, Viz',

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, HIS MAJESTY'S  
CAPTAIN, GOVERNOR AND COMMANDER IN CHIEF IN AND OVER  
THE PROVINCE OF NORTH CAROLINA.

The Humble Address of His Majesty's Council of the said Province.

MAY IT PLEASE YOUR EXCELLENCY,

We His Majesty's most dutiful and loyal subjects the Members of His Council return your Excellency our sincere and affectionate Thanks for your Speech at the opening of this Session.

We acknowledge the importance of those objects recommended to us by your Excellency. The just state of the Public Accounts and the most regular method of keeping them.

The enquiry into the abuse of public offices and officers and the discovery and detection of the counterfeiters of paper currency, are matters of real concern to the public and we will with all the powers we are possessed of unite in every salutary measure to correct the abuses complained of and punish the guilty.

We cannot repress our indignation when we consider of the outrages lately committed at Hillsborough by a deluded people under the direction of their seditious Leader, and we sympathize with your Excellency in the apt and suitable reflections you make upon a subject, which in every circumstance, is so disgraceful to civil society and indeed to Human nature itself. We are truly sensible how much it behooves the Honour of Government to vindicate its authority and to enforce the Laws and we assure your Excellency that we will with our utmost zeal join in any Measure that may best tend to wipe away a stain thrown upon an Administration which every honest and intelligent man among us must confess has with uniform uprightness sought the prosperity and perfection of this Community.

We take this opportunity to congratulate your Excellency upon your removal into the elegant and noble structure lately erected for the residence of yourself and your successors in administration. We are not ignorant how much the public is indebted to your Excellency for adopting the plan and construction of a palace, which will remain as a monument equally expressive of their bounty and of your Excellency's correct and judicious application of it.

The idea of a public Seminary in this Province for the education of youth, as suggested by your Excellency is a fresh proof of your tender concern for its prosperity. The object is important, morals

and good government depend greatly upon early instruction and virtuous example, and we hope in this or some future session a foundation may be laid for so desirable a purpose.

Your Excellencys intended absence from this Government by leave from His Majesty would be more unfavorable to our wishes if we did not hope it would be attended with the perfect re-establishment of your health; but however Providence may dispose of you Sir we shall always retain the most grateful remembrance both of your public and private virtues, and we shall ever most cheerfully bear testimony that your Excellency has omitted no part of the duties of your station to render stable and permanent the peace and good order of this Country, And from hence we have the surest confidence that your Excellency will receive from His Majesty that approbation which he ever bestows on good and virtuous Actions.

In the upper House, December 10<sup>th</sup> 1770

Received from the Assembly by Mr Rutherford and Mr Pryor the following Bills Viz,

A Bill to ascertain certain officers fees therein named.

A Bill to enlarge the time for Sheriffs to settle their Accounts with the justices of the Inferior Court of Pleas and Quarter Sessions of the Counties therein mentioned

A Bill for erecting part of Rowan County and part of Orange County into a separate County and Parish by the name of ----- County and ----- Parish and other purposes

Received from the Assembly by Mr Bonner and Mr Hare A Bill for establishing a Ferry from Bath Town to the Plantation of Thomas Bonner on Derham Creek, and from the plantation of Thomas Bonner on Derham Creek to Bath Town.

Then on Motion the following Message was ordered to be sent to the Assembly Viz<sup>t</sup>

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message relative to the Committees, This House have appointed the Honble John Rutherford, Alexander McCulloch, William Dry, Robert Palmer and Samuel Cornell Esq<sup>rs</sup> a Committee of this House to examine, state and settle the public accounts, And the Honble Lewis DeRosset, John Sampson, and Martin Howard Esq<sup>rs</sup> a Committee of this House to settle and allow the public claims

Then the House adjourned to 4 °Clock this afternoon

Monday P. M.

The House met according to adjournment.

Present as in the morning.

Then the House adjourned to 9 °Clock tomorrow morning

Tuesday Morning December 11<sup>th</sup> 1770.

The House met according to adjournment.

Present as before.

On motion Resolved that this House do at the next Session of the Assembly, sit in a room provided for them by Mrs Conway.

Received from the Assembly by Mr Gray and Mr Dickson the following Bills, Viz<sup>t</sup>,

A Bill to empower the Church Wardens and Vestrymen of the Parish of St Gabriels in the County of Duplin to sell the glebe in the said Parish and County and other purposes.

A Bill for the relief of such persons who have or may suffer by their deeds and mesne conveyances not being registered within the time heretofore appointed by Law. On motion the same was read the first time and passed.

On motion the following Bills were read the first time and passed, Viz<sup>t</sup>,

A Bill to ascertain certain officers fees therein mentioned.

A Bill to enlarge the time for ---- Sheriffs to settle their accounts with the Justices of the Inferior Court of Pleas and quarter Sessions of the Counties therein mentioned.

A Bill for erecting part of Rowan County and part of Orange County, into a separate County and Parish by the name of ----- County and ----- Parish and other purposes.

A Bill for establishing a Ferry from Bath Town to the plantation of Thomas Bonner on Derham Creek and from the plantation of Thomas Bonner on Derham Creek to Bath Town.

Then the House adjourned till 10 °Clock tomorrow morning.

Wednesday Morning December 12<sup>th</sup> 1770.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Lane and Mr Smith,

A Bill to establish a public inspection of Tobacco in the County of Johnston.



Then the President attended by the House waited on His Excellency at the Palace and presented him with the address to which His Excellency was pleased to return the following answer,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

It affords me much satisfaction to find you concur with me in sentiment with respect to the present situation of public affairs in this Country.

Your determination to join in such measures as will immediately tend to vindicate the Honor of Government, enforce the Laws, and wipe away the dishonor thrown upon the present Administration, correspond with that uniform attachment, you have always shown for the interest of our most Gracious Sovereign and His Government.

I thank you Gentlemen for your Good wishes for the re-establishment of my health and the honorable opinion you entertain of my exertions in the duties of my station. I shall take a sensible pleasure on every proper occasion to acknowledge that much of the success of my public endeavours has been owing to your Council and Advice.

W<sup>m</sup> TRYON.

December 12<sup>th</sup>

Then the House adjourned till 5 o'clock this evening.

Wednesday, P. M.

The House met according to adjournment.

Present as before.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday Morning December 13<sup>th</sup> 1770.

The House met according to adjournment.

Present

The Honble	{	James Hasell	John Rutherford	} Esquires
		Lewis DeRosset	John Sampson	
		William Dry	Samuel Cornell	

On motion the Bill for establishing a public inspection of Tobacco in the County of Johnston was read the first time and passed.

Then the House adjourned to 10 o'clock tomorrow morning.

Friday Morning December 14<sup>th</sup> 1770.

The House met according to adjournment.

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 Present

The Honble	{	James Hasell	John Rutherford	}	Esquires
		Lewis DeRosset	John Sampson		
		William Dry	Robert Palmer		
		Samuel Cornell	Martin Howard		

Received from the Assembly by Mr M<sup>r</sup>Ree and Mr Polk, A Bill for the relief of such persons who have or may suffer by the loss of the records in Bladen County and other purposes. On motion the same was read the first time and passed

Received from the Assembly by Mr Slade and Mr Alston, A Bill for erecting part of the Counties of Halifax and Tyrrell into a County and Parish.

Then the House adjourned to 4 °Clock this afternoon.

The House met according to adjournment.

Present as in the morning.

Then the House adjourned to 10. °Clock tomorrow morning.

Saturday Morning December 15<sup>th</sup> 1770.

The House met according to adjournment.

Present as before.

Then the House adjourned to 10 °Clock on Monday Morning.

Monday Morning December 17<sup>th</sup> 1770.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Husband and Mr Prior, A Bill for erecting the northern part of Orange County into a separate County and Parish by the Name of ---- County and ---- Parish.

Received from the Assembly by Mr Thos. Neale and Mr William Moore, A Bill for appointing and empowering Mr William Moore of Tryon County to collect and receive the taxes which were due from the inhabitants of the said County for the year one thousand seven hundred and sixty eight and other purposes.

Received from the Assembly by Mr Smith and Mr Dickson the following Bills, Viz<sup>t</sup>

A Bill to impower the Church wardens and vestrymen of the Parish of St Gabriels in the County of Duplin to sell the glebe in the said Parish and County and other purposes.

A Bill to establish a public inspection of Tobacco in the County of Johnston.

A Bill for the relief of such persons who have or may suffer by their deeds or mense conveyances not being proved and registered within the time heretofore appointed by Law.

Received from the Assembly by Mr Gray and Mr M'Kinnie A Bill for establishing a Town on the Land of Anthony Miller at a place called limestone in Duplin County

Received from the Assembly by Mr Sheppard and Mr Dickson A Bill for further continuing an Act entitled an Act for appointing a Printer to this Province

Received from the Assembly by Mr Knox and Mr Thomas Person, A Bill for the more easy recovery of small debts and other purposes

Received from the Assembly by Mr Lane and Mr Gibson, A Bill for erecting part of Johnston, Cumberland and Orange Counties into a separate and distinct County by the name of ----- County and ----- Parish and other purposes

Then the House adjourned to 10 °Clock tomorrow morning

Tuesday Morning December 18<sup>th</sup> 1770

The House met according to adjournment.

Present as before,

On motion the following Bills were ordered to be read Viz<sup>t</sup>

A Bill to impower the Church Wardens and vestrymen of the Parish of St Gabriels in the County of Duplin to sell the glebe in the said Parish and County. Read the second time amended and passed.

A Bill for the relief of such persons who have or may suffer by their deeds and mesne conveyances not being proved and registered within the time heretofore appointed by Laws. Read the second time and passed

Then the House adjourned till 10 °Clock tomorrow morning.

Wednesday Morning 19<sup>th</sup> Dec 1770

The House met according to adjournment.

Present as before.

Received from the Assembly An additional Bill to an Act Intitled an Act concerning servants and slaves. Read the first time and passed.

Received from the Assembly p. Mr Campbell and Mr Gibson the following Bills Viz<sup>t</sup>

A Bill for altering certain Districts of the Superior Courts in this Province and for establishing a Superior Court at Campbelton in Cumberland County. On motion read the first time and passed.

A Bill to amend an Act Intitled an Act for appointing Sheriffs and directing their duty in office, Read the first time and passed.

A Bill to encourage the further settlement of this Province. On motion read the first time and passed.

A Bill to amend an Act for establishing a Town on the Lands of John and William Russell minor sons of John Russell deceased on the west side of the North West Branch of Cape Fear River near the mouth of Cross Creek by the name of Campbelton and other purposes.

On motion the Bill for the more easy and speedy recovery of small debts and other purposes was ordered to be read, Read the first time and passed.

Received from the Assembly by Mr Harvey and Mr Gibbs the following Bills,

A Bill to prevent excessive and deceitful gaming.

A Bill to prevent hunting for and killing deer in the manner therein mentioned and other purposes.

A Bill for the relief of such persons who have or may suffer by the loss of the Records in Bladen County and other purposes.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday Morning 20<sup>th</sup> December 1770.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Husband and Mr Locke a Bill for erecting part of Rowan County and part of Orange County into a separate county and Parish by the name of Chatham County and Unity Parish and other purposes.

On motion the following Bills were ordered to be read Viz<sup>t</sup>,

A Bill for erecting part of Johnston, Cumberland and Orange counties into a separate and Distinct county by the name of ----- County and ----- Parish and other purposes. Read the first time and passed.

A Bill to suppress excessive and deceitful gaming. Read the first time and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Friday Morning 21<sup>st</sup> December 1770.

The House met according to adjournment.

Present as before.

On motion the following Bills were ordered to be read Viz,

A Bill to prevent the hunting for and killing deer in the manner therein mentioned and other purposes. Read the first time and passed.

A Bill for further continuing an Act Intituled an Act for appointing a printer to this Province. Read the first time and passed.

A Bill for appointing and empowering Mr William Moore of Tryon County to collect and receive the taxes which were due from the Inhabitants of the said County for the year 1768 and other purposes. Read the first time and passed.

A Bill for erecting the northern part of Orange County into a separate County and Parish by the name of ----- County and ---- Parish. Read the first time and passed.

A Bill for establishing a Town on the Land of Ant<sup>o</sup> Miller at a place called Limestone in Duplin. On motion rejected.

A Bill for the relief of such persons who have or may suffer by the loss of the Records, in Bladen County, and other purposes. Read the second time, amended and passed.

A Bill for erecting part of the counties of Halifax and Tyrrell into a County and Parish. Read the first time and passed.

A Bill to amend an Act Intituled an Act for establishing a Town on the Lands of John and William Russell, minors, sons of John Russell deceased, on the West side the North West branch of Cape Fear River near the mouth of Cross Creek by the name of Campbelton and other purposes. Read the first time and passed.

Then the House adjourned till 10 °Clock tomorrow morning.

Saturday Morning 22<sup>d</sup> December 1770.

The House met according to adjournment.

Present as before.

Received from the Assembly, p. Mr Dickson and Mr Stuart the following Bills,

A Bill to empower the Church Wardens and Vestrymen of the Parish of St Gabriels in the County of Duplin to sell the glebe in the said Parish and County. On motion read the third time and passed. Ordered to be engrossed.

A Bill to amend an Act Intituled an Act for appointing a Militia. On motion read the first time and passed.

Then the House adjourned till 10 °Clock Monday morning.

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Monday Morning 24<sup>th</sup> Dec 1770.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Neale and Mr Wynns the following Bills, Viz<sup>t</sup>,

A Bill for the more easy and speedy recovery of small debts and other purposes.

A Bill to impower dissenting ministers regularly called to any congregation to solemnize the rites of marriage under certain restrictions therein mentioned.

Then the House adjourned till 10 o'clock on Wednesday morning.

Wednesday Morning 26<sup>th</sup> Dec 1770.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Gibson and Mr Hadley the following Bills, Viz<sup>t</sup>,

A Bill to prevent the exportation of unmerchantable commodities. On motion read the first time amended and passed.

An Additional Bill to an Act concerning servants and slaves. On motion read and rejected.

A Bill to encourage the further settlement of this Province. On motion read the second time amended and passed.

A Bill for the relief of such persons who have or may suffer by the loss of the Records in Bladen County and other purposes.

A Bill to intail certain Lands therein named and vesting the same in Deborah Smith in fee simple.

A Bill for erecting the southern part of Orange County into a separate County and Parish by the name of ----- County and ----- Parish.

A Bill to suppress excessive deceitful gaming. On motion read the second time amended and passed.

A Bill for the relief of such persons who have or may suffer by their deeds and mense conveyances not being proved and registered within the time heretofore appointed by Law. On motion read the third time and passed. Ordered to be engrossed.

A Bill to amend an Act Intituled an Act for establishing a Town on the lands of John and W<sup>m</sup> Russell minors sons of John Russell deceased on the west side of the North West branch of Cape Fear River near the mouth of Cross Creek by the name of Cambelton

and other purposes. On motion read the second time amended and passed.

A Bill for appointing and empowering Mr William Moore of Tryon County to collect and receive the Taxes which were due from the Inhabitants of the said County for the year 1768 and other purposes. On motion read the second time amended and passed.

On motion ordered that the following message be sent to the Assembly, Viz<sup>t</sup>,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time "the Bill for the relief of such persons who have or may suffer by the loss of the Records in Bladen County and other purposes," We observe you have inserted a clause relative to the election of vestrymen in the said County, which is foreign to the title of the said Bill and contrary to His Majesty's instructions, We therefore propose to amend the title of the said Bill by *deleing* "*And other purposes,*" and inserting instead thereof the words following, Viz<sup>t</sup>, "*And for the election of Vestrymen for the Parish of St. Martins.*"

If you agree to this amendment please send two of your Members to see the same made.

In the upper House 26<sup>th</sup> Dec 1770.

By order J. B., Clk.

Received from the Assembly by Mr Dunn and Mr Gray the following Bills, Viz<sup>t</sup>,

A Bill to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province. On motion read the first time and passed.

A Bill to amend an Act Intituled an Act for appointing Sheriffs and directing their duty in office.

A Bill for further continuing an Act Intituled an Act for appointing a printer to this Province. On motion read the second time and passed.

A Bill for erecting the northern part of Orange County into a separate County and Parish by the name of Norbury County and Trinity Parish.

Then the House adjourned till tomorrow morning 9 °Clock.

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Thursday Morning 27<sup>th</sup> December 1770.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Neale and Mr M<sup>c</sup>Ree the following Bills and Message Viz<sup>t</sup>

A Bill for establishing a Town on the Land of Isaac Jones on the South West side of the North West branch of Cape Fear River in Bladen County. On motion read the first time and passed.

A Bill to amend an Act Intituled an Act for appointing a Militia. On motion read the second time and passed.

A Bill for erecting part of Johnston, Cumberland and Orange Counties into a separate and distinct County by the name of Wake County and St Margaret's Parish. On motion read the second time amended and passed.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your message of this day relative to the Bill for the relief of such persons who have or may suffer by the loss of the records in Bladen County and other purposes, We agree to the alteration you propose, and send Mr Neale and Mr M<sup>c</sup>Ree two of the members of this House to see the same made.

R<sup>d</sup> CASWELL, Speaker.

In the Assembly the 26<sup>th</sup> Dec. 1770.

By order J. GREEN, JUN<sup>r</sup>., Clk.

Then the alteration proposed was made in presence of the members sent for that purpose. Then the said Bill was put and passed the third time with amendments. Ordered to be engrossed.

Received from the Assembly by Mr Gibson and Mr Dickson the following Bills Viz<sup>t</sup>

A Bill to amend an Act Intituled an Act for the regulation of the Town of Wilmington

A Bill to appoint commissioners for finishing the Church in Wilmington in the room and stead of John DuBois and George Wakeley Esqr<sup>s</sup> deceased. On motion read the first time and passed.

Received from the Assembly by Mr Campbell and Mr Lane the following Bills Viz<sup>t</sup>

A Bill for vesting the school House in Edenton in Trustees. On motion read the first time and passed.



A Bill to prevent hunting for and killing deer in the manner therein mentioned and other purposes. On motion read the same a second time and passed.

A Bill for altering certain Districts of the Superior Courts in this Province and for establishing a Superior Court at Cambelton in Cumberland County. On motion read the second time amended and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Friday Morning 28<sup>th</sup> Dec 1770

The House met according to Adjournment

Present as before,

Received from the Assembly by Mr Dunn and Mr Rutherford the following Bills Viz<sup>t</sup>

An additional and explanatory Bill to an Act Intituled "an Act for regulating the several officers fees within this Province and ascertaining the method of paying the same. On motion read the first time and passed.

A Bill for appointing and empowering Mr William Moore of Tryon County to collect and receive the taxes which are due from the Inhabitants of the said County for the year 1768

A Bill to encourage the further settlement of this Province. On motion read the third time and passed. Ordered to be engrossed,

A Bill for the regulation of the Town of Salisbury securing the Inhabitants in their possessions and to encourage the settlement of the said Town. On motion read the first time and passed

A Bill for establishing a Town on the Land of Isaac Jones Esq on the South West side of the N<sup>o</sup> West branch of Cape Fear River in Bladen County. On motion read the second time and passed

A Bill for further continuing an Act for appointing a printer to this Province.

A Bill for granting to His Majesty the sum of ----- Thousand pounds proclamation money to be levied and applied in manner and to the purposes therein after mentioned. On motion read the first time and passed.

On motion, A Bill to impower dissenting Ministers regularly called to any Congregation to solemnize the rites of Marriage under certain restrictions therein mentioned was ordered to be read. Read the first time and passed.

On motion, A Bill to establish a public inspection of Tobacco in the County of Johnston, Read the second time and passed.

Received from the Assembly p. Mr Relfe and Mr Woodhouse a Bill to prevent the exportation of unmerchutable commodities

Then the House adjourned till 10 °Clock tomorrow morning

Saturday Morning 29<sup>th</sup> December 1770.

The House met according to adjournment

Present as before,

Received from the Assembly the following Bills by Mr Neale and Mr Rutherford

A Bill for the restraint of vagrants and for making provision for the poor.

A Bill to ascertain what fences are sufficient.

A Bill to establish a Public Ferry across the Yadkin River at the Plantation of James Smith in Rowan. On motion read the first time and passed

On motion the Bill to prevent the exportation of unmerchutable commodities was read the second time amended and passed.

Received from the Assembly by Mr Lane and Mr M<sup>c</sup>Ree the following Bills, Viz<sup>t</sup>

A Bill for vesting the school house in Edenton in Trustees

A Bill to establish a public inspection of Tobacco in the County of Johnston. On motion read the third time and passed. Ordered to be engrossed,

A Bill for appointing commissioners for erecting and building a Court House prison and stocks for the County of Tryon. On motion read the first time and passed.

A Bill for establishing a Town on the Land of Isaac Jones on the South West side of the North West branch of Cape Fear River in Bladen County

Then the House adjourned till Monday Morning 10°Clock.

Monday Morning 31<sup>st</sup> December 1770.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Thompson and Mr Slade,

A Bill to empower dissenting Ministers regularly called to any Congregation to solemnize the rites of Marriage under certain restrictions therein mentioned,

A Bill for the regulation of the Town of Salisbury securing the Inhabitants in their possessions and to encourage the settlement of the said Town. On motion read the second time and passed.

On motion the following Bills were ordered to be read,

A Bill for the restraint of vagrants and making provision for the poor, read the first time and passed.

A Bill for the more easy and speedy recovery of small debts. Read the second time amended and passed.

A Bill to direct Sheriffs in levying taxes and the disposal of Lands, goods and chattels taken thereon.

A Bill to prevent the exportation of unmerchantable commodities, On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly the following Bill, Message and Resolve, Viz<sup>t</sup>

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that His Excellency the Governor be impowered to draw on the Treasurer or either of them for a sum not exceeding five hundred pounds which they are directed to pay out of any monies they may have in their hands and which His Excellency is requested to apply towards the payment of any necessary expences he has been or may be [at] in counteracting the wicked designs of the insurgents, a copy of which we herewith send and desire your Honors concurrence thereto.

R. CASWELL, Speaker.

In the Assembly 31<sup>st</sup> December 1770.

Then on motion the said Resolve was read concurred with and sent back to the Assembly.

Then the House adjourned till 10 o'clock tomorrow morning [1<sup>st</sup> January 1771].

[For Journal of succeeding days see A. D. 1771.]

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NORTH CAROLINA—Ss.

At an Assembly begun and held at New Bern the twenty third day of October, in the ninth year of the reign of our Sovereign Lord George the third by the Grace of God of Great Britain France and Ireland, King, Defender of the Faith, and so forth, and in the year

year of our Lord, one thousand seven hundred and sixty nine, being the first Session of this present Assembly.

The Clerk of the Crown having certified that the following persons were duly elected and returned Representatives for the respective Counties and Towns, to wit,

Anson — Messrs Matthew Raiford, William Mask.

Bladen — Mr William M<sup>r</sup>Rec.

Brunswick — Messrs John Grange, Robert Howe, William Davis.

Beaufort — Messrs Thomas Bonner, Moses Hare.

Bute — Messrs Thomas Eaton, Benj<sup>a</sup> Ward.

Bertie — Messrs John Campbell, Cullen Pollock, Lilling<sup>b</sup> Lockhart.

Bath Town — Mr John Maule.

Town of Brunswick — Mr Mau. Moore.

Craven — Messrs Tho<sup>s</sup> C. Howe, Jacob Blount.

Carteret — Messrs Will<sup>m</sup> Thomson, Joseph Bell.

Chowan — Messrs Sam<sup>l</sup> Johnston, Edward Vail, James Blount, Thomas Hoskins, John B. Beasley.

Currituck — Messrs John Woodhouse, Henry White, Kader Merchant, W<sup>m</sup> Ferrify, Thomas Jones.

Dobbs — Messrs W<sup>m</sup> McKinnie, Ab<sup>m</sup> Sheppard.

Duplin — Messrs Felix Kenan, W<sup>m</sup> Dickson.

Edgecombe — Messrs Micajah Thomas, Aquila Sugg.

Granville — Messrs Thomas Person, Howell Lewis.

Halifax — Messrs Blake Baker, W<sup>m</sup> Alston.

Hertford — Messrs Benj<sup>a</sup> Wynn, Edward Hare.

Hyde — Messrs Edward M<sup>s</sup>Swain, Rotheas Latham.

Town Halifax — Mr Jo<sup>s</sup> Montfort.

Johnston — Messrs Needham Bryan, John Smith.

Mecklenburg — Messrs Ab<sup>m</sup> Alexander, Thomas Polk.

New Hanover — Messrs John Ashe, James Moore.

Northampton — Messrs Henry Dawson, Howell Edmunds.

Town of New Bern — Mr Richard Caswell.

Orange — Messrs Hermon Husband, John Pryor.

Onslow — Messrs William Cray, Richard Ward.

Perquimons — Messrs John Harvey, Benj<sup>a</sup> Harvey, Andrew Knox, John Skinner, Thomas Harvey.

Pasquotank — Messrs. Joseph Jones, Thomas Relfe, John Lowry, William Relfe, Jn<sup>o</sup> Herring.

Pitt — Messrs. John Simpson, John Spier.

Rowan — Messrs. Griffith Rutherford, Christopher Nation.

Town of Salisbury — Mr. John Dunn.

Tyrrill — Messrs. Ebenezer Slade, William Slade, Kenneth M<sup>c</sup>Kinzie, Peter Wynn, Benjamin Hasell.

Tryon — Messrs. W<sup>m</sup> Moore, Tho<sup>s</sup> Neale.

And Mr. Cor<sup>ns</sup> Harnett for the Town of Wilmington

Pursuant to which the following Members appeared, to wit,

Messrs. Thomas Relfe, Benjamin Ward, William Relfe, John Harvey, John Skinner, Thomas Harvey, Thomas Hoskins, John Maule, Thomas Bonner, Edward Vail, William Alston, John Beesly, Richard Caswell, Edward Hare, John Pryor, Edward M<sup>c</sup>Swaine, Abraham Alexander, Thomas Polk, Tho<sup>s</sup> Person, Howell Lewis, Richard Evans, William Cray, Robert Howe, Benjamin Person, Andrew Knox, William M<sup>c</sup>Kinnie, John Dunn, Walter Gibson, Ferquard Campbell, Thomas Neill, William Moore, John Woodhouse, Kedar Merchant, Thomas Macknight, Henry White, Samuel Jarves, William M<sup>c</sup>Ree, Richard Caswell, Jacob Blount, Christopher Neale, Richard Ward, William Davis, Thomas Harvey, Francis Mackilwean.

Mr Howe and Mr Cray waited on His Excellency the Governor and acquainted [him] that a sufficient number of members to constitute a House were met; and to desire His Excellency to appoint some of the Members of Council to see them qualified.

The Members being returned brought for answer that His Excellency would appoint two members accordingly.

The Honble Robert Palmer and Samuel Cornell Esquires, two of the Members of the Council, came to the House, and the above fifty nine Members qualified by taking the Oaths by Law appointed for qualification of Public Officers and repeating and subscribing the Test.

Mr Fanning and Mr Blount waited on His Excellency the Governor, to inform him that the Members had qualified and they waited to receive his commands; who being returned reported to the House that his Excellency would send a Messenger for the Members to wait on him in the palace.

Rec<sup>d</sup> from His Excellency the Governor a Verbal Message by Mr Hooper desiring the immediate attendance of this House in the palace.

The Members waited on His Excellency the Governor in the palace when he was pleased to direct that they return to the House and make choice of a Speaker.

The Members being returned to the House Mr Samuel Johnston proposed and set up Colonel Richard Caswell who was unanimously chosen Speaker, and placed in the Chair accordingly.

On motion ordered Mr Hewes and Mr Montfort wait on His Excellency the Governor, and acquaint him the House had made choice of a speaker and desire to know when they shall wait on his Excellency to present him, being returned, informed the House his Excellency would send a Message when he would receive them.

Rec<sup>d</sup> from His Excellency the Governor a verbal Message by Mr Hooper requiring the immediate attendance of the House in the palace.

The House waited on His Excellency the Governor and presented their Speaker, whom His Excellency was pleased to approve of and then made a Speech to his Majesty's Council and this House.

Mr Speaker with the House being returned, Mr Speaker reported that his Excellency the Governor had made a Speech to the Council and this House, a Copy of which to prevent Mistakes, he had obtained and laid the same before the House.

Then on motion Resolved, His Excellency the Governors Speech be read tomorrow.

Then the House adjourned till tomorrow morning 10 o'Clock.

Thursday December 6<sup>th</sup> 1770.

The House met according to adjournment.

On motion ordered, That Mr James Green Jun<sup>r</sup>, Clerk to the late Assembly, be and continue Clerk to this present Assembly.

Mr Edward Vail and Mr James Blount, two of the Members of Chowan County, appeared.

On motion ordered that Mr Jacob Blount and Mr Sheppard wait on the Council and desire them to send two of their members to see the above two members qualified, who being returned informed the House they would send two of their members accordingly.

The Honble Alexander M<sup>c</sup>Culloch and Samuel Cornell Esquires, two of His Majestys Council, came to the House, and Mr Edward Vail and James Blount, two of the members for Chowan County, and Jas. Green Jun<sup>r</sup> Clerk to this House, were qualified.

On motion ordered His Excellency the Governor's Speech be read, read the same and is as follows, Viz<sup>t</sup>,

[For the Governor's speech see Journal of Upper House, page 282 *ante*. — EDITOR.]

Then on Motion Resolved the said Speech be committed to a Committee of the whole House, and thereupon choose Mr William Haywood Chairman; and after the same was read and some time spent the Committee came to several Resolutions which Mr Chairman was directed to report to the House.

Then on motion Mr Speaker resumed the Chair. Mr Chairman reported that the Committee had taken into consideration his Excellency's Speech and came to several Resolutions thereon, which Mr Chairman reported to the House; the same were approved of and ordered they be instructions to the Committee to be appointed to prepare an Address in Answer to his Excellency's Speech

On motion ordered that Mr Howe, Mr Johnston, Mr Mau. Moore, Mr Harnett, Mr Nash, Mr Fanning, and Mr Hewes, be appointed a Committee to prepare an address in answer to his Excellency's Speech, and report the same to the House for Approbation.

Then the House adjourned till tomorrow morning 10 o'clock.

Friday December 7<sup>th</sup> 1770.

The House met according to adjournment.

Mr John Gibbs one of the Members from Bladen County appeared.

Ordered that Mr Cray and Mr Davis wait on the Council and desire the attendance of two of their members to see the above member qualified.

The Honble Alexander M<sup>c</sup>Culloch and Samuel Cornell Esquires two of His Majesty's Council came to the House; when Mr John Gibbs one of the Members for Bladen County was qualified by taking the Oaths by Law appointed for the qualification of public officers and repeating and subscribing the Test.

Réc<sup>d</sup> from His Excellency the Governor the following message together with the papers therein referred to, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

Agreeable to my promise in my Speech, I now send you a list relative to the proceedings of the Insurgents, Viz<sup>t</sup>,

A Letter from Mr Judge Henderson with a petition to the Judges, delivered to Mr Henderson by the Regulators.

A letter from some of the Inhabitants of Hillsborough.

The Deposition of Mr. Ralph M<sup>c</sup>Nair.

Ditto of Joseph Lyon.

Ditto of John Mixdon.

Ditto of William Woods Senior and Junior.

Ditto of William Akins,

Ditto of John Butler Sheriff of Orange.

Resolved that consideration of the foregoing Messages and papers therein referred to be laid over till tomorrow.

Rec<sup>d</sup> from His Excellency the Governor the following Message,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

As several Sheriffs are now attending in Town in obedience to my proclamation, to make report to the General Assembly of the opposition they have met with in the execution of their offices, I think proper to acquaint you herewith, they being very impatient to return Home.

W<sup>m</sup>. TRYON.

Resolved, the said Sheriffs be heard on Oath at the Bar of this House,

John Butler Sheriff of Orange, William Pickett Sheriff of Anson and Thomas Terry deputy sheriff of Anson appearing and their deposition, being taken, On motion,

Resolved, the House will take the same into consideration tomorrow morning.

Then the House adjourned till tomorrow morning 10 o'clock.

Saturday December 8<sup>th</sup> 1770.

The House met according to adjournment.

Ordered Mr Knox and Mr Benjamin Person wait on the Council and desire the attendance of two of their members to see the qualification of two members of this House.

The Honble William Dry and Samuel Cornell Esquires two of the members of the Council came to the House, and Mr Tho<sup>s</sup> Eaton one of the members of Bute County and Mr Howell Edmunds one of the members of Northampton County were qualified, by taking the Oaths by Law appointed for the qualifications of public officers and repeating and subscribing the Test.



The House being informed that Mr Henry Dawson who was elected for Northampton County is dead,

On motion, ordered His Excellency be addressed to direct the Clerk of of the Crown to issue a Writ for electing a member for the said County, to sit and vote in this present Assembly in the room and stead of the said Henry Dawson.

Ordered the following message be sent to His Excellency the Governor, Viz<sup>t</sup>

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN. GENERAL, GOVERNOR, &c<sup>a</sup>,

SIR,

This House having been informed that Mr Henry Dawson who was elected one of the members for Northampton County is dead, therefore desire your Excellency will be pleased to direct the Clerk of the Crown to issue a Writ for electing a member for the said County of Northampton, to sit and vote in this present Assembly, in the room and stead of the said Henry Dawson deceased.

R. CASWELL, Sp.

Sent by Mr Person and Mr Edmunds.

On motion ordered that Messrs Cornelius Harnett, Johnston, Hewes, Nash, Macknight, Fanning, Knox, Christopher Neale, Thomson, Benjamin Person, Stewart, Cray and Sheppard be appointed a Committee of Public Accounts, and,

That Messrs Haywood, Jacob Blount, Vail, James Blount, William Davis, Ferquard Campbell, Polk, Mackilwean, Lane, Dunn, and Gray be appointed a Committee of the Public Claims in conjunction with such of the members of his Majesty's Honorable Council as they think fit to appoint, And that the following message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have appointed Messrs Harnett, Johnston, Hewes, Nash, Macknight, Fanning, Knox, Christopher Neale, Thomson, Benjamin Person, Stewart, Cray and Sheppard, a Committee of this House to state and settle the public accounts of this Province, And Messrs Haywood, Jacob Blount, Vail, James Blount, Davis, Campbell, Polk, Mackilwean, Lane, Dunn and Gray a Committee of this House to settle

and allow the Public Claims in conjunction with such of your Honors as you shall think fit to appoint.

R. CASWELL, Sp.

On motion ordered that Messrs Vail, Gray, Cray, Thomson, Dunn, Maurice Moore, Person, Duyscombe, Harnett, Bonner, Nash, Howe and Mackilwean be appointed a Committee of Privileges and Elections, and that they have power to send for persons, papers and records as occasion may require.

On motion ordered, that Messrs Ashe, Howe, Eaton, Gibbs, Evans, McKinnie, Hare, Rutherford, McSwain, Thos Person, Jas. Blount, James Lockhart, Edmunds, Gibson, Jarvis, Robinson, Ward, Alston, Dickson, Harvey, W<sup>m</sup> Moore, Christopher Neale, Shepard, Smith, Pryor, Hewes, Alexander, Tho<sup>s</sup> Relfe, Montfort and Harnett, be appointed a Committee of Propositions and Grievances.

Mr Husband presented a petition from the inhabitants of Orange County, complaining of sundry grievances and praying relief. Ordered to be referred to the Committee of Propositions and Grievances.

The order of the day being read, Resolved that the consideration of His Excellencys Message, and the papers therein referred to of the seventh instant, be deferred till Monday next.

Then the House adjourned till Monday morning 10 o'clock.

Monday December 10<sup>th</sup> 1770.

The House met according to adjournment.

Mr Knox moved for leave to present a Bill for establishing a ferry from Bath Town to the plantation of Thomas Bonner on Durham Creek, and from the plantation of Thomas Bonner on Durham Creek to Bath Town.

Ordered he have leave accordingly.

Mr Knox presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Bonner and Mr Hare.

Mr Husband presented a petition from Hosea Taply of Granville County complaining of sundry grievances. Ordered the same be referred to the Committee of Propositions and Grievances.

Mr John Campbell one of the members for Bertie County and Mr

Richard Brownrigg, one of the members for Chowan County, appeared.

Rec<sup>d</sup> from His Excellency the Governor the following Message, to wit,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I have received your Message of the 8<sup>th</sup> Instant, and have ordered the Clerk of the Crown to issue a Writ for electing a Member in the County of Northampton in the room and stead of Henry Dawson deceased, accordingly.

W<sup>m</sup>. TRYON.

The Honble Martin Howard and Samuel Cornell Esquires two of the Members of Council came to the House and the above two Members were qualified, by taking the Oaths by Law appointed for the qualification of Public officers and repeating and subscribing the Test,

Mr Rutherford moved for leave to present a Bill for erecting part of Rowan and part of Orange Counties into a separate County and Parish by the Name of ----- County and ----- Parish and other purposes.

Ordered he have leave accordingly.

Mr Rutherford presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr Pryor.

Mr Nash moved for leave to present a Bill to ascertain certain officers fees therein named.

Ordered he have leave accordingly.

Mr Nash presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr Pryor.

Mr Rutherford moved for leave to present a Bill to enlarge the time for Sheriffs to settle their accounts with justices of the Inferior Court of pleas and quarter Sessions of the Counties therein mentioned

Ordered he have leave accordingly.

Mr Rutherford presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr Pryor.

Mr Maurice Moore, from the Committee appointed to prepare an Address to his Excellency the Governor's Speech, informed the House, that the said Committee had prepared the same, which he read in his place and delivered in at the Table, where the same was again read.

Ordered the same stand the Address of the House and be entered on the Journal, to wit,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROV-  
INCE OF NORTH CAROLINA.

SIR,

We his Majestys dutiful and Loyal Subjects the Members of Assembly of the Province of North Carolina return you our humble and hearty thanks for your Speech delivered to us at the opening of this Session.

The tender concern for the welfare of this Province with which your Excellency has pointed out the state of our public affairs and the means of redressing grievances prevalent and oppressive deserve our warmest acknowledgments. The Interest of those we represent, Justice to public creditors and the honour of Government, equally require at our hands a clear and exact settlement of the public Accounts; and to this important object your Excellency may rely we shall with unwearied diligence apply ourselves.

The conduct of public officers in some parts of this Province, perhaps, has given just cause of complaint. This, Sir, we would willingly believe hath not wholly arisen from a depravity of morals among the servants of the public; in some instances we are inclined to think it the consequences of an inconsistent and oppressive fee Bill. That Act has annexed fees to unnecessary services, which in this country are never performed; yet ideal as they are, they are carefully attended to, and often received; in other cases, much to the prejudice of the officer, it has left services necessary and incumbent, wholly unprovided for. To remedy this evil as far as we can, we consider as being indispensibly our duty; and permit us Sir, to assure you that to discharge it in this, as well as in every other instance with cheerfulness and fidelity, is an object to which we shall be attentive.

The great quantity of counterfeit certificates and proclamation Bills circulating among us is a circumstance truly alarming to the whole Province. It is injurious to individuals, and destructive to public Credit. We consider that nothing less than passing an Act, for calling in all public certificates and paper currency circulating this Colony, can put an end to the fatal consequences attending so infamous an imposition on the Inhabitants of this Country.

The late daring and insolent attack made on the Superior Court at Hillsborough by the people who call themselves Regulators we hold in the utmost detestation and abhorrence. The deliberate and preconceived malice with which it was contrived, and the brutal fury with which it was executed, equally bespeak them unawed by the Laws of their Country, insensible to every moral duty, and wickedly disaffected to Government itself. The dissolute principles and licentious spirit by which these people are actuated and stand united, render them too formidable for the ordinary process of Law. Sensible of this Sir, We owe it to our Sovereign, our constituents, and ourselves, to adopt measures, at once spirited and decisive.

The Palace erected by this Province, for the residence of your Excellency and successors in office, is truly elegant and noble. To your unwearied attention and influence and to the Ability and diligence of the Architect, the inhabitants of this country owe what honor and credit it may reflect upon them.

We entirely agree with you Sir, in the measure you propose of establishing a public School in the frontier part of this Province. We are convinced that the peace and happiness of Society much depends on a pious and Liberal education of its Members. To neglect an object so interesting and important, is to withhold from this country a blessing that will necessarily accrue to it, from a rising and instructed Generation.

To continue and provide for the garrison of Fort Johnston, at the eve of a war is both prudent and necessary, the safety and security of one of the principal trading ports in this Province depends on it. We shall therefore pay due attention to this measure, as well as every other your Excellency has been pleased to recommend.

Your approaching departure from your Government is a circumstance truly detrimental to the interests of this Province, and is justly to be lamented. It is a misfortune peculiar to this Country, that as soon as its Governor is become acquainted with its constitution and the temper of its inhabitants, he is by some ill fated means

or other removed from us. Nothing Sir, on this afflicting occasion, can afford us consolation, but a firm reliance that the well known benevolence of your disposition and friendly concern for the welfare of mankind will dispose you to use that influence your merit and station justly entitle you to, in favour of the Constitutional Liberties of North America in general, and the interest of this Province in particular. Your steady and uniform endeavours to render every service to this Country have a just claim to the warmest return of gratitude and respect; and whithersoever you may go you have the united and unfeigned wishes of this people for the peace and happiness of yourself and family.

R. CASWELL Sp.

Then the House adjourned till tomorrow morning 10 o'clock.

Tuesday December 11<sup>th</sup> 1770.

The House met according to adjournment.

Mr Edmunds presented a petition from the Inhabitants of Northampton County complaining of the many exorbitant and oppressive measures pursued by Public officers &c<sup>a</sup> Praying relief.

Ordered the said petition be referred to the Committee of Propositions and Grievances.

Mr Person presented a petition from the Inhabitants of Bute County complaining of the many exorbitant and oppressive measures pursued by public officers &c<sup>a</sup> praying relief.

Ordered the said petition be referred to the Committee of Propositions and Grievances.

Mr Person presented sundry certificates from the Inferior Court of Bute County therein recommending Elias Wilson and Moses Kennell, to be exempt from paying public Taxes. Ordered they be exempt accordingly.

The following certificates from the Inferior Court of the County of Anson were presented by Mr Person therein recommending Edward Smith, George Matthews, Tho<sup>s</sup> Stafford Williams and William Lucas to be exempt from paying public taxes.

Ordered they be exempt accordingly.

Mr. Person presented a certificate from the Inferior Court of Tryon County therein recommending Robert Harlot to be exempt from the payment of public taxes. Ordered he be exempt accordingly.

Mr McKinnie presented a certificate from the Inferior Court of Dobbs County therein recommending John Ballard to be exempt from the payment of public taxes. Ordered he be exempt accordingly.

Mr Haywood presented a certificate from the Inferior Court of Edgecombe County therein recommending Wright Knight to be exempt from the payment of Public Taxes. Ordered he be exempt accordingly.

Mr William Slade one of the members for Tyrrell County appeared.

The Honble Martin Howard and Samuel Cornell Esqrs two of the members of Council came to the House, and Mr William Slade was qualified by taking the Oaths for the qualification of public officers repeating and subscribing the Test.

Mr Gray moved for leave to present a Bill to impower the Church Wardens and Vestrymen of the Parish of St Gabriel in the County of Duplin, to sell the glebe in the said Parish and County and other purposes.

Ordered he have leave accordingly.

Mr Gray presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Gray and Mr Dickson.

Mr Cray moved for leave to present a Bill for the relief of such persons who have or may suffer by their deeds and mesne conveyances not being proved and registered within the time heretofore appointed by Law.

Ordered he have leave accordingly.

Mr Cray presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Gray and Mr Dickson.

On motion ordered that Mr Fanning and Mr Eaton, Wait on his Excellency the Governor and inform him that the House has prepared an Address in answer to His speech, and desire to know when they shall wait on him to present the same, who being returned brought for answer His Excellency would inform the House when he would receive the same.

Rec<sup>d</sup> from the Council the following Bills, towit,

The Bill for the relief of such persons who have or may suffer by their deeds and mesne conveyances not being proved and registered within the time heretofore appointed by Law.

The Bill to ascertain certain officers fees therein named.

The Bill for establishing a ferry from Bath Town to the plantation of Thomas Bonner on Durham Creek, and from the plantation of Thomas Bonner on Durham Creek to Bath Town.

The Bill to enlarge the time for Sheriffs to settle accounts with the Justice of the Inferior Court of Pleas and Quarter Sessions of the Counties therein mentioned.

The Bill to empower the Church Wardens and Vestrymen of the Parish of St Gabriel, in the County of Duplin, to sell the Glebe in the said Parish and other purposes.

The Bill for erecting part of Rowan County and part of Orange County into a separate County and Parish by the name of ----- County and ----- Parish, and other purposes. Endorsed, December 11<sup>th</sup> 1770, In the upper House read the first time and passed.

On motion ordered Messrs John Campbell, Dunn, Fanning, Christopher Neale, Lane, Evans, Howe, Nash and Maurice Moore be appointed to examine into the Laws of this Province and report to this House such of them as are near expiring; and also such as require amendment.

Then the House adjourned till tomorrow morning 10 o'clock.

Wednesday December 12<sup>th</sup> 1770.

The House met according to adjournment.

Mr Edmunds presented a certificate from the Inferior Court of Northampton County, therein recommending Sarah Lewis, Isaac Parker, and Humphrey Reavel to be exempt from paying public taxes. Ordered they be exempt accordingly.

Mr Lane moved for leave to present a Bill to establish a public inspection in the County of Johnston.

Ordered he have leave accordingly.

Mr Lane presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Lane and Mr Smith.

Mr Rotheus Latham one of the members for Hyde County appeared.



The Honble William Dry and Samuel Cornell Esqrs, two of the members of the Council, came to the House when Mr Rotheas Latham was qualified by taking the Oaths by Law appointed for qualification of public officers, and repeating and subscribing the Test.

Mr Harnett presented a petition from sundry importers of wine, rum and other distilled liquors into the port of Brunswick setting forth that a greater sum than £2,000 of the emission in 1754 has been paid by the duty of 4d. per gallon on wine, rum and other distilled liquors &c<sup>a</sup> praying to be released from the payment of the said duty from the beginning of the present year &c<sup>a</sup>

Ordered the said petition lie for consideration.

Rec<sup>d</sup> from His Excellency the Governor a verbal message requiring the immediate attendance of the House in the Palace.

Mr Speaker with the House waited on His Excellency the Governor, and presented him with the address of this House and being returned Mr Speaker reported that he with this House had waited on His Excellency the Governor, and presented him with the address of this House; to which his Excellency was pleased to return an Answer a copy of which he had obtained, and laid the same before the House. Ordered the same be read, the same was read, and ordered to be entered on the Journal of the House, and is as follows,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I thank you for your truly loyal spirited and affectionate address. The highly Honorable Testimonies you give me of your approbation of the several matters, I have offered for your consideration, with your resolutions to pursue vigorous and decisive measures in support of Government, gives new life to my hopes, and reanimates my zeal for your service. You cannot too much cherish and cultivate the liberal sentiments you have at this juncture embraced; sentiments, nobly generous towards your King and Country and honorable to yourselves.

I receive with sensations of gratitude and esteem the assurance you give me of the unfeigned wishes of the people of this Province for the felicity of my family. Though many powerful considerations require my return to England, you may rest in confidence that whatever circumstances I may be placed in, or whatever part of His Majesty's dominions may be my residence, I shall be happy to take a part, as far as the narrow sphere of my influence may reach in favour of

the true Liberties of his Majesty's Subjects in America, and the peculiar interests of this Province, neither time nor distance can ever efface from my mind the just sense of the obligations I owe you for your favorable opinion of my public services and assurances of support against the secret Abettors of the Insurgents.

W<sup>m</sup>. TRYON.

Then the House adjourned till 5 °Clock in the Afternoon.

P. M. The House met according to adjournment.

Then the House adjourned till tomorrow morning 10 °Clock.

Thursday December 13<sup>th</sup> 1770.

The House met according to adjournment.

Mr Slade presented the petition of sundry Inhabitants of the upper end of Tyrrel, and lower end of Halifax Counties praying that a new and distinct County and Parish be erected, which he read in his place; and then on Motion, ordered that Mr Slade have leave to present a Bill.

Mr Slade presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council

Sent by Mr Slade and Mr Alston.

Mr Hare presented the petition of Thomas Respass complaining of an undue Election and return from Bath Town praying relief.

Ordered to be referred to the Committee of Priviledges and Elections.

The order of the day being read, Resolved the consideration of the same be deferred till Monday next. Ordered that Mr Pryor, Mr Ferquard Campbell, Mr Rutherford, Mr M<sup>c</sup>Ree, Mr Lane and Mr Haywood be added to the Committee of Priviledges and Elections.

Then the House adjourned till Tomorrow morning 10 °Clock.

Friday December 14<sup>th</sup> 1770.

The House met according to adjournment.

Rec<sup>d</sup> from His Excellency the Governor the following Message, to wit,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY.

I herewith send you a printed copy of the plan laid before the last Assembly for keeping the public accounts; at the same time

considering the difficulties there may be in immediately procuring the record books therein recommended to be kept by the Treasurers, I take the liberty to offer for your acceptance a set of books for the Treasury office, to be kept by the Treasurers, respectively, for the time being, and to be deemed the property of the public; by this means the successors in that office may trace the vestiges of their several predecessors from this establishment, and the public at all times be uniformly acquainted with the exact condition of the public funds; particularly if you adopt that admirable method pursued in South Carolina in their Tax Bill of stating in the said Bill the supplies for the current services of Government, and the disbursements of the preceding year.

I would offer that the present Treasurers might either surrender up all the public outstanding accounts to one or more commissioners and open a new account with the province from a given time detaching themselves wholly from all arrears whatsoever; or else the said Treasurers to undertake the settlement of all arrears, and one or more Treasurers be appointed to carry on a new account with the Public.

The reason of my recommending this line to be drawn, arises from an apprehension that the arrears due to the public under the present intricate situation of the public funds may remain so heavy a pressure upon any new method established, as to prevent it from clearing itself from so great a weight, and which probably, in a short time will involve the new accounts in a similar confusion with the old ones.

W<sup>m</sup> TRYON.

Rec<sup>d</sup> from His Excellency the Governor the following Message, to wit,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

You will herewith receive a Memorial preferred by some London merchants to the Earl of Hillsborough concerning the packing and shipping of naval stores from this Province to the mother country.

W<sup>m</sup>. TRYON.

On motion ordered the memorial referred to in His Excellency's Speech be read. Read the same; and then on motion Ordered that Messrs Knox, Gibson, Hewes, Jacob Blount, John Campbell, Thomson, Davis, Stewart, Ward and Gibbs be appointed a Committee to

prepare and bring in a Bill for directing the method of preparing and settling for exportation tar, pitch and turpentine.

Rec<sup>d</sup> from the Council the Bill for establishing a public inspection of Tobacco in the County of Johnston, Endorsed, In the upper House read the first time and passed.

Mr Thomson presented a certificate from the County Court of Carteret, therein recommending Jeremiah Brown be exempt from the payment of public Taxes, and doing public duties. Ordered he be exempt accordingly.

Mr M<sup>c</sup>Ree moved for leave to present a Bill for the relief of such persons who have or may suffer by the loss of the records in Bladen County and other purposes.

Ordered he have leave accordingly.

Mr M<sup>c</sup>Ree presented the said Bill which he read in his place and delivered in at the table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr M<sup>c</sup>Ree and Mr Gibbs.

Mr Ormond presented two certificates from the Inferior Court of Hyde County therein recommending William Price and Littleton Jerman to be exempt from the payment of public taxes and doing public duties. Ordered they be exempt accordingly.

Rec<sup>d</sup> from the Council the Bill for the relief of such persons who have or may suffer by the loss of the records in Bladen County and other purposes, In the upper House, read the first time and passed.

Then the House adjourned till tomorrow morning 10 o'clock.

Saturday December 15<sup>th</sup> 1770.

The House met according to adjournment.

Mr Jarvis presented a certificate from the Inferior Court of Currituck County, therein recommending Robert Bell to be exempt from the payment of public Tax.

Ordered he be exempt accordingly.

Mr Johnston for leave to present a Bill for preventing tumultuous and riotous Assemblies, for the more speedy and effectually punishing the rioters, and for restoring and preserving the public peace of the province.

Ordered he have leave accordingly.

Mr Johnston presented the said Bill, which he read in his place, and delivered in at the Table where the same was again read.

Ordered the same lie on the Table for the consideration of the Members.

On motion ordered that Mr Polk, Mr Maurice Moore, Mr Mac-knight, Mr Harnett, Mr Nash, Mr Howe, Mr Husband, Mr Gibbs, Mr John Campbell, Mr Knox, and Mr Stuart be appointed a Committee to prepare and bring in a Bill for granting to his Majesty the sum of ----- Thousand pounds proclamation money, to be imposed, levied and applied in manner and to the purposes herein after mentioned.

Mr Montfort moved for leave to bring in a Bill for further continuing an Act Intituled an Act for appointing a printer to this Province.

Ordered he have leave accordingly.

Mr Montfort presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Shepard and Mr Dickson.

Mr Joseph Jones and Mr Jonathan Herring two of the Members for Pasquotank County appeared.

The Honble Robert Palmer and Samuel Cornell Esq<sup>rs</sup> two of His Majesty's Council came to the House, and Mr Joseph Jones and Mr Jonathan Herring were qualified by taking the oaths by Law appointed for the qualification of public officers and repeating and subscribing the Test.

Then the House adjourned till Monday Morning 10 o'Clock.

Monday December 17<sup>th</sup> 1770.

The House met according to adjournment.

Mr Edward Hare and Benjamin Wynns Jun<sup>r</sup> two of the members of Hertford County, and also Mr Lillington Lockhart, one of the members for Bertie County appeared.

Ordered the following Bills be read the second time, Viz<sup>t</sup>,

The Bill for the relief of such persons who have or may suffer by their deeds and mense conveyances not being proved and registered within the time heretofore appointed by Law.

The Bill to impower the Church wardens and Vestrymen of Saint Gabriel's Parish in the County of Duplin to sell the Glebe in the said Parish and County, and other purposes.

The Bill to establish a public inspection of Tobacco in the County

of Johnston; read the second time amended passed and ordered to be sent to the Council.

Mr Pryor presented the petition of sundry Inhabitants of Orange County therein praying the said County may be divided.

Mr Fanning moved for leave to present a Bill pursuant to the prayer of the said petition.

Mr Fanning presented the said Bill which he read in his place and delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Husband and Mr Pryor.

Mr Knox moved for leave to present a Bill for the more easy and speedy recovery of small debts and other purposes.

Ordered he have leave accordingly.

Mr Knox presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Knox and Mr Tho<sup>s</sup> Person.

The Honble Martin Howard Esquire and Samuel Cornell Esquire two of His Majesty's Council came to the House, and Messrs Edward Hare, Benjamin Wynns and Lillington Lockhart were qualified according to Law.

Mr Dickson presented a petition from sundry of the Inhabitants of Duplin County therein praying a Town may be erected at a place called Limestone Ferry, on the North West Branch of Cape Fear and lower side of Limestone Creek.

Mr Dickson moved for leave to present a Bill pursuant to the prayer of the said petition.

Mr Dickson presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Gray and Mr M<sup>c</sup>Kinnie.

Mr Fanning from the Committee appointed to examine into the Laws of this Province and report to the House such of them as are near expiring, and also such as require amendment informed the House, that the Committee had met for that purpose, and that with leave of the House he was ready to make their report.

Ordered that he have leave; and accordingly he reported,

That it was the opinion of the Committee that an Act made in the year 1715 to appoint public registers and direct the method to be observed in conveying Lands, goods and chattels, and for pre-

venting fraudulent deeds and mortgages requires amendment, in order for pointing out and ascertaining in a more particular manner the several indicia or badges of a fraudulent conveyance; and directing the mode of recovering the forfeiture; and for rendering the said Act more effectual.

Also that an Act made in 1715 for establishing what fees are sufficient appears to this Committee to be so imperfectly drawn and the mode of obtaining redress for the mischief intended to be guarded against by the said Act, is singular and unusual, that they are of opinion that the said Act requires many amendments in order to its answering the salutary purposes for which it was intended; or rather recommend that a new Bill be brought in for the ascertaining what fees are sufficient, wholly repealing the former Act.

This Committee are further of opinion, that the Act passed in 1748 for regulating the several officers fees, and ascertaining the method of paying the same, is so vague and uncertain as to what services are necessary to be done by each respective officer and the fees that may legally be taken by him for his several services collectively; that they esteem it highly requisite that an amendment thereof be made, explaining and ascertaining, in the most full, clear and summary manner the precise sums that may be taken by each officer for the respective services by them to be performed; making exactions of officers more penal, and the method of redress against such practices less difficult.

This Committee upon perusing the several Acts of Assembly, concerning the solemnization of the rights of matrimony and considering the great number of Presbyterian Inhabitants settled in the western Frontier Counties in this Province and the difficulties and expences they must necessarily be under, Can't but think that the restraints and penalties in the said Acts are in some measure hard, and oppressive, and that they have a just and reasonable claim to the attention of the Legislative body for granting to them a religious toleration in that particular, and that it is well becoming the Catholic and liberal principles of the Members of the House of Representatives of this Colony, to appoint a Committee to prepare and bring in a Bill for empowering all regular Presbyterian Ministers in this Province to solemnize the rites of Marriage, according to the Westminster confession of Faith, by publication in their religious Assemblies, where the parties are best known, and by License, without any Tax or Fees to the Clergy of the Establishment.

This Committee further report that they think that the several Acts for Establishing of Inferior Courts of pleas and quarter Sessions in the several Counties within this Province which are near expiring, and such very considerable alterations and amendments, that it would be greatly conducive to the advancement of Justice, and the satisfaction of the public for the House of Assembly to appoint a Committee of its Members to prepare and bring in a Bill for establishing of Inferior Courts of pleas and quarter Sessions in the several Counties in this Province; therein enlarging the Jurisdiction of the said Courts, and of single magistrates, rejecting the clauses relating to petition and summons; and containing a repeal of all former Acts within the pervieu thereof— And lastly,

This Committee submit to the wisdom and discretion of this House whether it should be thought proper that this Committee should be continued during the Session for further researches and enquiries into the purposes for which they were originally appointed, observing that by enlarging the time for their continuance, they think it probable that they may be enabled to report more fully with respect to many other acts, which it would be the duty of the House either to amend or continue, and perhaps both.

Mr Fanning presented the petition of sundry Presbyterian Ministers of this Province, therein praying an Act may pass for empowering all regular Presbyterian Ministers in this Province to solemnize the rites of Marriage, according to the confession of Faith &c<sup>a</sup>

On motion ordered that Messrs. Fanning, Lewis, Polk, Gibson, John Campbell, Knox, and Stewart be a Committee to prepare and bring in a Bill to empower dissenting Ministers regularly called to any Congregation to solemnize the rites of Marriage, under certain restrictions therein mentioned.

On motion ordered Mr Fanning, Mr Ormond, Mr Cray, Mr Benjamin Person, Mr Brownrigg, Mr Haywood and Mr Christopher Neale be a Committee to prepare and bring in a Bill to establish Inferior Courts of Pleas and quarter Sessions in the several Counties in this Province.

On motion ordered Mr John Campbell, Mr Lane, Mr Macknight, Mr James Lockhart, Mr Thos. Person, Mr Dunn, and Mr Moses Hare, be a Committee, to prepare and bring in a Bill to amend an Act Intituled an Act to appoint public registers, and to direct the method to be observed in conveying lands, goods and chattles and for preventing fraudulent deeds and mortgages.



On motion ordèred Mr Harvey, Mr Rutherford, Mr Moses Hare, Mr Evans, Mr Ferquard Campbell, Mr Woodhouse, and Mr Jacob Blount be a Committee to prepare and bring in a Bill to ascertain what fences are sufficient.

Mr Polk moved for leave to bring in a Bill for appointing and empowering Mr William Moore of Tryon County to collect and receive the Taxes which are due from the Inhabitants of the said County for the year 1768 and other purposes.

Ordered he have leave accordingly.

Mr Polk presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Tho<sup>s</sup> Neill and Mr W<sup>m</sup> Moore.

Mr Lane presented a petition from sundry Inhabitants of Johnston County therein praying a division of the said County may be made, &c<sup>a</sup>.

Mr Lane moved for leave to present a Bill pursuant to the prayer of the said petition.

Mr Lane presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Lane and Mr Gibson.

The order of the day being read Resolved the consideration of his Excellency the Governors Message with the papers therein referred to, be deferred till Thursday next.

On Motion ordered that Mr Ormund Mr Lillington Lockhart and Mr Wynns be added to the Committee of Propositions and Grievances.

Then the House adjourned until tomorrow morning 10 °Clock

Tuesday December 18<sup>th</sup> 1770.

The House met according to adjournment.

Mr Robinson presented sundry certificates from the County Court of Anson therein recommending Richard Adams, Jacob Watson and Daniel Jernegan to be exempt from the payment of public Taxes. Ordered they be exempt accordingly.

Mr Eaton moved for leave to present an additional Bill to an Act Intitled an Act concerning servants and slaves which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Eaton and Mr Herring.

Mr Aquila Sugg one of, the members for Edgecombe County appeared.

Mr Fauning from the Committee appointed to examine the Laws of the Province further reported that the Act made in 1751 for the restraint of vagrants and for making provision for the poor and other purposes, and continued by an Act in 1760, and further by another Act passed in 1766, being now near expiring, We recommend it expedient that the same be re-enacted with amendments continuing a repeal of the former.

The Committee having taken under consideration the Acts of Assembly of this Province with respect to the relief of insolvent debtors, are of opinion that the same might be rendered less ambiguous and doubtful, and also more beneficial by a repeal of those now in force, and by re-enacting a new Law for that purpose, and for the ascertaining the time of imprisonment of insolvent debtors before their releasement, and pointing out the circumstances under which debtors shall be intitled to the privileges of prison bounds.

This Committee do further report, that an Act for suppressing excessive and deceitful gaming which formerly was in force in this province, had a very salutary and beneficial effect during its continuance, and they are of opinion that the same ought to be re-enacted and revived.

This Committee do also report, that they are of opinion that the Act passed in 1768, for preventing the frequent abuses in taking up and secreting of stray horses in the Counties of Orange, Granville, Bute, Rowan, Anson, Mecklenburg, Johnston, Dobbs, Edgecombe, Northampton, Hertford, Tyrrell, Craven and Pitt has been of great utility, and singular service to many persons whose Horses have strayed from them in the Counties afore mentioned, as well as in many of the Neighbouring Counties; and that as the same is near expiring, that it ought to be continued, with such amendments as may be thought necessary and expedient.

Mr Harnett moved for leave to present a Bill to amend an Act, Intituled an Act for establishing a Town on the Lands of John and William Russell, minors, sons of John Russell deceased, on the West side of the North West branch of Cape Fear River, near the mouth of Cross Creek, by the name of Campbelton, and other purposes. Also the Bill to encourage the further settlement of this Province.

Ordered he have leave accordingly.

Mr Harnett presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Campbell and Mr Gibson.

The House being informed by Mr Macknight that Mr Thomas Person, one of the members of this House, has been charged with extortion, usury, and exacting illegal fees, and under colour of his office unduly oppressing the people, and also having been frequently charged with perjury, of which if he has been guilty, he is unworthy of a seat in this House.

Resolved, that Messrs Mau, Moore, Lock, Rutherford, Haywood, Robinson, Pickett, Hewes, Montfort, Ormond, Tho<sup>s</sup> Relfe, W<sup>m</sup> Relfe, Johnston, Dunscomb, Husband, Pryor, M<sup>c</sup>Swain, Alexander, Polk, Person, Lewis, Edmunds, Evans, Stewart, Nash, Alston, Dickson, Gray, Thomson, Sheppard, Smith, Lane, Bonner, Hare, Dunn, Gibson, John Campbell, Christopher Neale, W<sup>m</sup> Moore, Woodhouse, Merchant, M<sup>c</sup>Knight, White, Jarvis, M<sup>c</sup>Ree, Blount, Tho<sup>s</sup> Neill, Cray, Ward, Howe, Davis, Harvey, Knox, Mackilwean, M<sup>c</sup>Kinnie, Vail, James Blount, Gibbs, Edmunds, Eaton, Ferquard Campbell, Brownrigg, Slade, Latham, Jones, Herring, Lockhart, Hare, and Wynns be appointed a Committee to examine into the said facts, and report their opinion to the House; and that they have power to send for persons, papers and records by warrant from the Chamber of the Committee.

Mr Harnett moved for leave to bring in a Bill to amend an Act Intituled an Act for appointing Sheriffs and directing their duty in Office.

Ordered he have leave accordingly.

Mr Harnett presented the said Bill which he read in his place delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Mr Montfort moved for leave to bring in a Bill for altering certain Districts of the Superior Courts of this Province and for establishing a Superior Court at Campbelton, in Cumberland County.

Ordered he have leave accordingly.

Mr Montfort presented the said Bill which he read in his place and delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Ferquard Campbell and Mr Gibson.

Mr Harnett moved for leave to present a Bill to encourage the further settlement of this province.

Ordered he have leave accordingly.

Mr Harnett presented the said Bill which he read in his place and delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Ferq<sup>d</sup> Campbell and Mr Gibson.

Then the House adjourned till tomorrow morning 10 o'clock.

Wednesday December 19<sup>th</sup> 1770.

The House met according to adjournment.

Mr Ferquard Campbell presented a certificate from the County [Court] of Cumberland County therein recommending Richard Trading and Henry Atkinson to be exempt from the payment of Taxes. Ordered they be exempt accordingly.

On motion ordered the Bill for the relief of such persons who have or may suffer by the loss of the Records in Bladen County, and other purposes, be read a second time, Read the same the second time, passed and ordered to be sent to the Council.

Sent by Mr Harvey and Mr Gibbs.

Mr M<sup>c</sup>Ree moved for leave to present a Bill to prevent hunting for or killing Deer in the manner therein mentioned, and other purposes.

Ordered he have leave accordingly.

Mr M<sup>c</sup>Ree presented the said Bill which he read in his place and delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Harvey and Mr Gibbs.

Mr Thomas Hadley the member for the Town of Campbelton appeared.

Mr M<sup>c</sup>Kinnie moved for leave to present a Bill to suppress excessive and deceitful gaming.

Ordered he have leave accordingly.

Mr M<sup>c</sup>Kinnie presented the said Bill which he read in his place and delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Harvey and Mr Gibbs.

Mr Fanning presented the petition of the Inhabitants of Orange, therein praying that the southern part of the said County be erected into a new and distinct County by the name of ----- County and

----- Parish, which was read. Then on motion Ordered that Mr Fanning have [leave] to prepare and bring in a Bill pursuant to the prayer of the said petition.

This House being informed that Mr Samuel Dunscombe one of the members for Chowan County is dead, On motion ordered His Excellency the Governor be addressed to direct the Clerk of the Crown to issue a Writ for Electing a Member for the said County to sit and vote in this present Assembly, in the room and stead of the said Samuel Dunscombe.

Ordered the following Message be sent to His Excellency the Governor, Viz<sup>t</sup>,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN GENERAL,  
GOVERNOR &c<sup>a</sup>,

SIR,

This House being informed that Mr Samuel Dunscombe one of the members for Chowan County is dead, therefore desire your Excellency will be pleased to direct the Clerk of the Crown to issue a Writ for Electing a Member for the said County of Chowan to sit and vote in this present Assembly.

R<sup>d</sup> CASWELL, Sp.

Received from the Council the following Bills, to wit,

The Bill in addition to an Act Intituled an Act concerning servants and slaves.

A Bill for the more easy and speedy recovery of small debts, and other purposes.

The Bill to amend an Act Intituled an Act for appointing Sheriffs and directing their duty in Office.

The Bill to encourage the further settlement of this Province.

The Bill for altering certain districts of the Superior Courts of this Province, and for establishing a Superior Court at Campbelton in Cumberland County. In the upper House read the first time and passed.

The Bill to impower the Church Wardens and Vestrymen of the Parish of St Gabriels in the County of Duplin, to sell the glebe in the said County and Parish.

The Bill for the relief of such persons who have or may suffer by their deeds and mesne conveyances not being proved and registered within the time heretofore appointed by Law, In the upper House read the second time and passed.

The Honble William Dry and Samuel Cornell Esqrs two of the members of the Council came to the House, and Mr Thomas Hardy, the member for Campbelton appeared and was qualified by taking the oaths by Law appointed for the qualification of public officers and repeating and subscribing the test.

On motion ordered that Messrs Benjamin Person, Maurice Moore, Jacob Blount, M<sup>c</sup>Knight, Harnett, Fanning and John Campbell be a Committee to take examinations of all such persons who shall be convened before them.

On motion ordered the Bill for erecting part of Rowan County and part of Orange County into a separate County and Parish by the name of Chatham County and Unity Parish and other purposes be read the second time, Read the same a second time, amended passed and ordered to be sent to the Council.

Sent by Mr Husband and Mr Lock.

Mr Howe from the Committee to prepare and bring in a Bill, for granting to His Majesty the sum of ----- Thousand pounds proclamation money, to be imposed, levied and applied in manner to the purposes herein after mentioned reported that the Committee had prepared the same, and moved for leave to present it.

Ordered he have leave accordingly.

Mr Howe presented the said Bill which he read in his place and delivered in at the Table, where the same was again read.

Then on motion, Ordered, the said Bill lie on the Table for further consideration.

Rec<sup>d</sup> from His Excellency the Governor the following message, to wit,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY

I am to request you will exempt Mr Joseph Fulford, now upwards of eighty years from the payment of Public, Parochial, and County Taxes; he has been a resident in the Province since the year 1705, near twenty years before the Indians were last drove from Cape Fear River; served seven years in the War against the Indians between the years 1709 and 1719, and is at the present time incapable of Labour; all which circumstances make him an object of your indulgence. He is now an Inhabitant of Carteret.

W<sup>m</sup>. TRYON.

On motion Resolved that the said Joseph Fulford be exempt accordingly.

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I rec<sup>d</sup> your message of this morning, acquainting me of the death of Mr Dunscombe one of the members for Chowan, and desiring a Writ of Election might issue for choosing another person in his stead. In consequence of which I have ordered a Writ of Election to issue for that purpose.

W<sup>m</sup>. TRYON.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday 20<sup>th</sup> December 1770.

The House met according to adjournment.

Mr Rutherford presented a petition from sundry of the Inhabitants of Rowan County, therein praying a division of the said County may be made.

On motion ordered, he have leave to prepare and bring in a Bill pursuant to the prayer of the said Petition.

Mr Rutherford presented the Petition of sundry of the Inhabitants of Rowan County, therein praying a public ferry may be established across the Yadkin River at the plantation of James Smith.

Ordered Mr Rutherford have leave to prepare and bring in a Bill pursuant to the prayer of the said petition.

On motion ordered the Bill to enlarge the time for Sheriffs to settle their accounts with the Justices of the Inferior Court of pleas and quarter sessions of the Counties therein mentioned be read the second time, Read the same the second time, and ordered to be referred to Messrs Mau. Moore, Harnett, Fanning, Christopher Neale and Benjamin Person, to prepare Amendments, and report the same to the House.

On motion Resolved that the House Resolve itself into a Committee of the whole House, to take into consideration the conduct and behaviour of Herman Husband, both as a member of this House in particular, and a Member of this community in general. The House Resolved itself into a Committee accordingly and chose Mr John Campbell Chairman, who being placed in the Chair and some time spent, the Committee came to several Resolutions which Mr Chairman was directed to report to the House; and then on Motion Mr Speaker resumed the Chair, and Mr. Chairman reported as follows, to wit,

Resolved that it appears to this Committee that Herman Husband a Member of the Committee is one of the people who denominate

themselves Regulators, and that he hath been a principal mover and promoter of the late riots and seditions in the County of Orange, and other parts of the Province.

Resolved, That it appears to this Committee that a letter published in the *North Carolina Gazette* of the 14<sup>th</sup> of December, directed to the Honble Maurice Moore Esquire at New Bern and signed by James Hunter is a false, seditious and Malicious Libel.

Resolved, that it appears to this Committee that the above named Herman Husband was the publisher of the said Libel.

Resolved, that it appears to this Committee that the said Herman Husband was guilty of gross prevarication and falsehood on his examination before the Committee of Propositions and Grievances relative to the said Libel.

Resolved that it appears to this Committee, that the said Herman Husband hath insinuated in conversation, that in case he should be confined by order of the House, he expected down a number of people to release him.

Resolved that it is the opinion of this Committee that such an insinuation is a daring insult offered to this House and tending to intimidate the Members from a due discharge of their duty.

Then the question being put the said several Resolutions were agreed to by the House.

Resolved that the conduct of the said Herman Husband both as a Member of this House in particular, and of the Community in general, has justly incurred the contempt of this House, and rendered him unworthy of a seat in the Assembly.

Resolved that the said Herman Husband be immediately expelled from this House.

Ordered the said Herman Husband appear at the Bar of the House, and that Mr Speaker pronounce the said sentence. Whereupon the said Herman Husband appeared at the Bar of the House, and Mr Speaker pronounced the said sentence accordingly.

Resolved that these Resolutions be printed in the public *Gazette*.

On motion ordered that Messrs. Smith, Alston, and Knox have leave to absent themselves from the service of the House.

The order of the Day being read, Resolved, the Consideration of His Excellencys Message with the papers therein referred to, be deferred till tomorrow morning.

Rec<sup>d</sup> from the Council the Bill for suppressing excessive and deceitful gaming. Endorsed.

Then the House adjourned till tomorrow morning 10 o'clock.



Friday December 21<sup>st</sup> 1770

The House met according to adjournment

The order of the day being read, Resolved the consideration of His Excellencys Message with the [matters] therein referred to, be deferred till Wednesday next.

Rec<sup>d</sup> from the Council the following Bills, to wit,

The Bill for further continuing an Act Intituled an Act for appointing a printer to this Province.

The Bill to prevent hunting for and killing Deer in the manner therein mentioned and other purposes.

The Bill for erecting part of Johnston, Cumberland and Orange counties into a separate and distinct County by the name of ----- County and ----- Parish and other purposes.

The Bill to erect part of the counties of Halifax and Tyrrell into a County and Parish.

The Bill for erecting the northern part of Orange County into a separate County and Parish by the name of ----- County and ----- Parish.

The Bill for appointing and empowering Mr W<sup>m</sup>. Moore of Tryon County to collect and receive the taxes which were due from the Inhabitants of the said County for the year 1768, and other purposes.

The Bill to amend an Act Intituled an Act for establishing a Town on the Lands of John and William Russell, minors, sons of John Russell deceased, on the West side the North West branch of Cape Fear River near the mouth of Cross Creek by the name of Campbellton, and other purposes, In the Upper House, read the first time and passed.

Also the Bill for the relief of such persons who have or may suffer by the loss of the Records, in Bladen County, and other purposes, In the upper House, read the second time, amended and passed.

On motion ordered Mr Slade, Mr Mackilwean and Mr McKinnie absent themselves from the service of the House.

Mr Knox moved for leave to bring in a Bill to amend an Act Intituled an Act for appointing a militia.

Ordered he have leave accordingly.

Mr Knox presented the said Bill which he read in his place and delivered in at the Table where the same was again read, passed, and ordered to be sent to the Council.

On motion ordered the Bill to empower the Church wardens and Vestrymen of Saint Gabriels in the County of Duplin to sell the

glebe in the said County and Parish be read the third time, Read the same a third time, passed and ordered to be sent to the Council.

Sent the above two Bills by Mr Dickson and Mr Stewart.

Ordered that the Committee appointed to enquire into several allegations made against Mr Thomas Person, a member of this House, do sit on the said enquiry: and that Mr Thomas Handley be added thereto.

Then the House adjourned till 3 o'clock in the afternoon

P. M. The House met according to adjournment.

Mr Nash moved for leave to bring in a Bill to dock the intail of certain Lands, whereof Richard Graves is seized &c<sup>a</sup>.

Ordered he have leave accordingly.

On motion ordered Mr Ferquard Campbell have leave to absent himself from the service of the House till Wednesday next. Also that Mr Dickson have leave to absent himself from the service of the House till Monday next.

Then the House adjourned till tomorrow morning 10 o'clock.

Saturday December 22<sup>d</sup> 1770.

The House met according to adjournment.

On motion of Mr Howe, Resolved that in case the Insurgents should be insolent and desperate enough to make any attempt against the honor and dignity of Government or the peace and safety of the community that this House will, to the utmost of their power support His Excellency in any measures he shall think necessary to take on such important occasion.

On motion Resolved that the following message be sent to His Excellency,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

This House determined to support the Honor and dignity of Government and the peace and safety of the community have entered into a Resolution a copy of which they herewith send your Excellency.

R<sup>d</sup> CASWELL, Sp.

Mr Fanning moved for leave to bring in a Bill for erecting the

southern part of Orange County into a separate County and Parish by the name of ----- County and ----- Parish.

Ordered he have leave accordingly.

Mr Fanning presented the said Bill which he read in his place and delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Gibson and Mr Rutherford.

Mr Fanning moved for leave to present a Bill for empowering dissenting Ministers regularly called to any Congregation to solemnize the rites of Marriage under certain restrictions therein mentioned.

Ordered he have leave accordingly.

Mr Fanning presented the said Bill which he read in his place and delivered in at the Table, where the same was again read, passed, and ordered to be sent to the Council.

Sent by Mr Gibbs and Mr Rutherford.

On motion ordered that Mr Wyriot Ormond, Mr Thomson and Mr McSwain have leave to absent themselves a few days.

Then the House adjourned till 10<sup>o</sup> Clock Monday Morning.

Monday December 24<sup>th</sup> 1770

The House met according to adjournment.

Rec<sup>d</sup> from the Council the Bill to empower the Church Wardens and Vestrymen of the Parish of St. Gabriels in the County of Duplin, to sell the Glebe in the said Parish and County, In the upper House, read the third time and passed. Ordered to be engrossed.

Rec<sup>d</sup> from his Excellency the Governor the following message,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

Accept the tribute of my grateful thanks for the many honorable Testimonies you give me in your message and Resolve of Saturday last to support the honor and dignity of Government, and the peace and safety of the community as well as for the high trust and confidence, with which you at the same time honour me. You may depend I shall exert my best endeavours on this important occasion, and take such necessary measures as I think will approach nearest the spirit of your Resolve.

W<sup>m</sup>. TRYON.

Mr John Campbell moved for leave to present a Bill to prevent the importation of unmerchantable commodities.

Ordered he have leave accordingly.

Mr Campbell presented the said Bill which he read in his place and delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Gibson and Mr Rutherford.

Mr Nash according to order presented the Bill to dock the entail of certain lands therein named, and vesting the same in Deborah Smith in, fee simple; which he read in his place and delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Gibson and Mr Rutherford.

On motion ordered the Bill Intitléd an additional Bill to an Act Intitléd an Act concerning servants and slaves be read the second time, Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr W<sup>m</sup> Relfe and Mr Jarvis.

Also the Bill to encourage the further settlement of this Province be read the second time, Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr W<sup>m</sup> Relfe and Mr Jarvis.

On motion ordered the Bill for the more easy and speedy recovery of small debts and other purposes be read the second time, Read the same the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Neale and Mr Wynns.

On motion ordered that Mr Joseph Jones have leave to absent himself from the service of the House.

Then the House adjourned till 10 °Clock tomorrow morning.

Tuesday December 25<sup>th</sup> 1770.

The House met according to adjournment

Then the House adjourned till 10°Clock tomorrow morning

Wednesday 26<sup>th</sup> December 1770

The House met according to adjournment.

Mr Sugg presented sundry certificates from the Court of Edgcombe County, therein recommending David Scarbrough, Stephen Bachelor, Jun<sup>r</sup>, John Stringer and Aaron Johnston to be exempt from the payment of public Taxes and doing public duties, Ordered they be exempt accordingly.

On motion the Bill for the relief of such persons who have or may suffer by the loss of the records in Bladen County and other purposes be read the third time, Read the same a third time passed and sent to the Council by Mr Hadley and Mr Gibson.

On motion ordered the Bill for the relief of such persons who have or may suffer by their deeds and mesne conveyances not being proved and registered within the time heretofore by Law appointed be read the third time, Read the same a third time passed and ordered to be sent to the Council.

Sent by Mr Gibson and Mr Hadley.

On motion ordered the Bill to amend an Act Intituled an Act for establishing a Town on the Land of John and William Russell minors, sons of John Russell, deceased, on the West side of the North West branch of Cape Fear River, near the mouth of Cross Creek by the name of Campbelton and other purposes be read the second time, Read the same a second time passed and ordered to be sent to the Council.

Sent by Mr Gibson and Mr Hadley.

On motion ordered the Bill to suppress excessive and deceitful gaming be read the second time, Read the same the second time amended, passed and ordered to be sent to the Council.

Sent by Mr Gibson and Mr Hadley.

On motion ordered the Bill for appointing and empowering William Moore of Tryon County to collect and receive the Taxes which were due from the Inhabitants of the said county for the [year] 1768 and other purposes, be read the second time, Read the same the second time amended passed, and ordered to be sent to the Council.

Sent by Mr Moore and Mr Neale.

On motion ordered the Bill to amend an Act Intituled an Act for appointing Sheriffs and directing their duty in office be read the second time, Read the same the second time passed, and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Gray.

Rec<sup>d</sup> from the Council the Bill to prevent the exportation of unmerchutable commodities, Endorsed, In the upper House, Dec. 26<sup>th</sup> 1770, read the first time, amended and passed.

On motion ordered the Bill for erecting part of Johnston, Cumberland and Orange Counties into a separate and distinct County, by the name of Wake County and St Margaret's Parish, and other

purposes, be read the second time, Read the same the second time; amended, passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Gray.

Mr Fanning from the Committee appointed to prepare and bring in a Bill to Establish Inferiour Courts of pleas and quarter sessions in the several Counties in this Province, presented the same which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Gray.

On motion ordered the Bill for further continuing an Act entitled an Act for appointing a printer to this Province, be read the second time. Read the same a second time amended, passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Gray.

On motion ordered the Bill for erecting the northern part of Orange County into a separate County and Parish by the name of Norbury County and Trinity Parish be read the second time. Read the same a second time amended passed and ordered to be sent to the Council.

Sent by Mr Pryor and Mr Lewis.

Rec<sup>d</sup> from the Council the following Bills, Viz<sup>t</sup>

The Bill to suppress excessive and deceitful Gaming.

The Bill for appointing and empowering Mr William Moore of Tryon County to collect and receive the Taxes which were due from the Inhabitants of the said County for the year 1768, Endorsed, In the upper House 26<sup>th</sup> December 1770. Read the second time amended and passed,

Also the Bill for the relief of such persons who have or may suffer by their deeds and *mesne* conveyances not being proved and registered within the time appointed by Law. In the upper House read the third time, passed and ordered to be engrossed,

Also the following Message, Viz<sup>t</sup>

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time the Bill for the relief of such persons who have or may suffer by the loss of the records in Bladen County and other purposes, We observe you have inserted a clause relative to the Election of Vestrymen in the said County which is foreign to the Title of the said Bill, We propose to amend the title of said bill by *deleing* "and other purposes" and inserting

instead thereof the words following Viz<sup>t</sup>, "and for the Election of Vestrymen for the Parish of St Martins." If your House agree to this amendment please send two of your members to see the same made. In the upper House December 26<sup>th</sup> 1770.

Ordered the following Message be sent to the Council.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL

In answer to your Message of this day relative to the Bill for the relief of such persons who have or may suffer by the loss of the Records in Bladen County and other purposes, We agree to the alteration you propose and send Mr Christopher Neale and Mr M<sup>c</sup>Ree two of the members of this House, to see the same made.

R. CASWELL, Sp.

The order of the day being read, Resolved, that the consideration of His Excellencys Message with the papers therein referred, be deferred till tomorrow.

Then the House adjourned till tomorrow morning 10 o'clock.

Thursday December 27<sup>th</sup> 1770.

The House met according to adjournment.

Mr M<sup>c</sup>Ree presented the petition of sundry inhabitants of Bladen County, therein praying a Town may be laid out on the Lands of Isaac Jones Esq<sup>r</sup> in said County.

Mr M<sup>c</sup>Ree presented a Bill pursuant to the prayer of the said petition, which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr C. Neale and Mr M<sup>c</sup>Ree.

Mr Christopher Neale moved for leave to present a Bill to amend an Act Intituled an Act for appointing a Militia.

Ordered he have leave accordingly.

Mr C. Neale presented the said Bill which he read in his place and delivered in at the Table, where the same was again read amended, passed and ordered to be sent to the Council.

Sent by Mr C. Neale and Mr M<sup>c</sup>Ree.

On motion ordered that Messrs Polk, Nash, Fanning, Dunn, Evans, Rutherford and Thomas Neill, be a Committee to prepare and bring in a Bill to establish a public Seminary in the Western part of this Province.

Mr Harnett moved for leave to present a Bill to appoint Commis-

sioners for finishing the Church in Wilmington in the room and stead of John DuBois and George Wakely Esq<sup>rs</sup>, deceased.

Ordered he have leave accordingly.

Mr Harnett presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Gibson and Mr Dickson.

Mr Harnett moved for leave to present a Bill to amend an Act Intituled an Act for the regulation of the Town of Wilmington.

Ordered he have leave accordingly.

Mr Harnett presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Gibson and Mr Dickson.

Rec<sup>d</sup> from the Council the following Bills, Viz<sup>t</sup>,

The Bill to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province.

The Bill for establishing a Town on the Land of Isaac Jones on the South West side of the North West Branch of Cape fear River, in Bladen County, In the upper House read the first time and passed.

The order of the day being read, Resolved His Excellency's Message and the papers therein referred to, be referred to the Committee of Propositions and Grievances.

Mr Howe moved for leave to bring in a Bill for vesting the school house in Edenton in Trustees.

Ordered he have leave accordingly.

Mr Howe presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

On motion ordered the Bill for altering certain districts of the Superior Courts in this Province and for establishing a Superior Court at Campbelton in Cumberland County be read the second time, Read the same the second time amended passed and ordered to be sent to the Council.

Sent by Mr Campbell and Mr Lane.

On motion ordered the Bill for hunting and killing deer in the manner therein mentioned and other purposes be read the second time. Read the same the second time amended passed and ordered to be sent to the Council.

Sent by Mr Campbell and Mr Lane.



Rec<sup>d</sup> from the Council the following Bills, Viz<sup>t</sup>

The Bill to amend an Act Intitled an Act for establishing a Town on the Lands of John and William Russell, Minors, sons of John Russell deceased, on the West side of the North West branch of Cape Fear river near the mouth of Cross Creek by the name of Campbelton.

The Bill to appoint commissioners for finishing the Church in Wilmington in the room and stead of John DuBois and George Wakeley Esqr<sup>s</sup> deceased.

The Bill for further continuing an Act Intitled an Act for appointing a printer to this Province, In the upper House read the second time & passed.

On motion ordered the Bill to suppress excessive and deceitful gaming be read the third time. Read the same the third time and rejected.

Rec<sup>d</sup> from the Council the Bill to amend an Act Intitled an Act for the regulation of the Town of Wilmington, In the upper House read the first time and passed.

Mr Macknight moved for leave to bring in an additional and explanatory Bill to an Act Intitled an Act for regulating the several officers fees within this Province, and ascertaining the method of paying the same.

Ordered he have leave accordingly.

Mr Macknight presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Rutherford.

Mr Dunn moved for leave to present a Bill for the regulation of the Town of Salisbury, securing the Inhabitants in their possessions and to encourage the settlement of the said Town and other purposes.

Ordered he have leave accordingly.

Mr Dunn presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Rutherford.

Then the House adjourned till tomorrow morning 10 °Clock.

Friday December 28<sup>th</sup> 1770.

The House met according to adjournment.

On motion ordered the Bill for further continuing an Act Intitled an Act for appointing a printer to this Province be read the third

time, Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Rutherford.

On motion ordered the Bill for establishing a Town on the Land of Isaac Jones on the South West side of the North West branch of Cape Fear River in Bladen County be read the second time. Read the same the second time, amended passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Rutherford.

On motion ordered the Bill to encourage the further settlement of this Province, be read the third time. Read the same the third time, passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Rutherford.

On motion ordered the Bill for appointing and empowering Mr William Moore of Tryon County to collect and receive the Taxes which were due from the Inhabitants of the said County for the year 1768, be read the third time. Read the same the third time passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Rutherford.

Rec<sup>d</sup> from the Council the following Bills, to wit,

The Bill to amend an Act Intituled an Act for appointing Sheriffs, and directing their duty in office.

The Bill for erecting part of Johnston Cumberland, and Orange Counties, into a separate and distinct County, by the name of Wake County and St Margarets Parish,

The Bill for altering certain districts of the Superior Court in this Province and for establishing a Superior Court at Campbelton in Cumberland County, In the upper House read the second time amended and passed.

On motion ordered the consideration of the Bill for granting to his Majesty the sum of ----- Thousand pounds proc. money, to be imposed, levied and applied, in manner and to the purposes herein after mentioned, be resumed, and that the same be read. Read the same the first time passed and ordered to be sent to the Council.

Sent by Mr Eaton and Mr Brownrigg.

On motion ordered the Bill for the exportation of unmerchantable commodities be read the second time. Read the same the second time amended passed and ordered to be sent to the Council.

Sent by Mr Tho<sup>s</sup> Relfe and Mr Woodhouse.

Received from the Council the following Bills to wit,

The additional and explanatory Bill to an Act Intituled an Act for regulating the several officers fees within this province and ascertaining the method of paying the same.

The Bill for vesting the school House in Edenton in Trustees.

The Bill for regulating the Town of Salisbury, securing the Inhabitants in their possessions and to encourage the settlement of the said Town, In the upper House read the first time and passed.

The Bill to prevent hunting for and killing deer in the manner therein mentioned, In the upper House read the second time and passed.

The Bill for an addition to and amendment of an Act Intituled an Act for appointing a Militia, In the upper House read the second time amended and passed.

The Bill for establishing a Town on the Land of Isaac Jones on the South West side of the North West branch of Cape Fear River in Bladen County, In the upper House read the second time and passed.

The Bill to impower dissenting ministers regularly called to any congregation, to solemnize the rites of marriage under certain restrictions therein mentioned.

The Bill for granting to His Majesty the sum of ----- Thousand pounds proc. money to be imposed levied and applied in manner and to the purposes herein after mentioned, In the upper House read the first time and passed.

The Bill to encourage the further settlement of this Province, In the upper House read the third time and passed. Ordered to be engrossed.

Mr C. Neale moved for leave to present a Bill for the restraint of vagrants and for making provisions for the poor.

Ordered he have leave accordingly.

Mr C. Neale presented the said Bill, which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr C. Neale and Mr Rutherford.

Mr Rutherford from the Committee to prepare and bring in a Bill to ascertain what fences are sufficient, presented the said Bill which he read in his place and delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr C. Neale and Mr Rutherford.

Mr Rutherford moved for leave to present a Bill to establish a

public ferry across the Yadkin River at the plantation of James Smith in Rowan County.

Ordered he have leave accordingly.

Mr Rutherford presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr C. Neale and Mr Rutherford.

On motion ordered the Bill for establishing a ferry from Bath Town to the plantation of Thomas Bonner on Derham Creek, and from the plantation of Thomas Bonner on Derham Creek to Bath Town be read the second time. Read the same the second time and rejected.

Rec<sup>d</sup> from the Council the following Bills, to wit,

The Bill to establish a public inspector of Tobacco in the County of Johnston, In the upper House read the second time and passed.

The Bill for the relief of such persons who have or may suffer by the loss of the Records in Bladen County and for the election of vestrymen for the said Parish of St Martins, In the upper House read the third time and passed. Ordered to be engrossed.

On motion ordered the additional and explanatory Bill to an Act Intituled an Act for regulating the several officers fees within this Province and ascertaining the method of paying the same be read the second time. Read the same the second time and on motion ordered the said Bill be committed to a committee of the whole House.

Then the House adjourned to 10 o'clock tomorrow morning.

Saturday December 29<sup>th</sup> 1770.

The House met according to adjournment.

On motion ordered, the Bill to establish a public inspection of Tobacco in the County of Johnston be read the third time. Read the same the third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Lane and Mr McRee.

On motion ordered the Bill for establishing a Town on the Lands of Isaac Jones on the South West side of the North West branch of Cape Fear River in Bladen County, be read the third time. Read the same the third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Lane and Mr McRee.

On motion ordered the Bill for vesting the school house in Eden-

ton in Trustees, be read the second time. Read the same the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Lane and Mr McRee.

Mr Neill moved for leave to present a Bill for appointing Commissioners for erecting and building a Court House, prison and stocks for the County of Tryon.

Ordered he have leave accordingly.

Mr Neill presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Lane and Mr McRee.

The order of the day being read, the House resolved itself into a Committee of the whole House to take under consideration the said Bill, and chose Mr Joseph Hewes Chairman who being placed in the Chair accordingly; and after some time spent, the Committee came to several resolutions, but not having time to put them, Mr Chairman was directed to report to the House that the Committee desire leave to sit again on Monday next.

Then on motion Mr Speaker resumed the Chair, and Mr Chairman reported the Resolutions of the Committee.

Ordered the said Committee have leave to sit again on Monday next.

Mr Edmundson Samuel Smithwick, one of the members for Tyrrell County, appeared.

Then the House adjourned till Monday morning 10 o'clock.

Monday December 31<sup>st</sup> 1770.

The House met according to adjournment.

On motion ordered, the Bill to impower dissenting Ministers regularly called to any Congregation to solemnize the rites of Marriage under certain restrictions therein mentioned be read the second time. Read the same the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Slade.

On motion ordered the Bill for the regulation of the Town of Salisbury securing the Inhabitants in their possessions and to encourage the settlement of the said Town be read the second time. Read the same the second time, amended, passed and ordered to be sent to the Council.

On motion ordered the Bill to prevent the exportation of unmerchable commodities be read the third time. Read the same the third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Ward and Mr White.

Mr Polk moved for leave to present a Bill for levying executions and the disposal of lands, goods and chattles taken therein.

Ordered he have leave accordingly.

Mr Polk presented the said Bill which he read in his place and delivered in at the Table where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Ward and Mr White.

Rec<sup>d</sup> from the Council the following Bills, towit,

The Bill for appointing commissioners for erecting and building a Court House prison and stocks for the County of Tryon.

The Bill for the restraint of vagrants and for making provision for the poor, In the upper House read the first time and passed.

The Bill for the regulation of the Town of Salisbury securing the inhabitants in their possessions and to encourage the further settlement of the said Town, In the upper House read the second time amended and passed.

The Bill to establish a public Ferry across the Yadkin River at the plantation of James Smith in Rowan County, In the upper House read the first time and passed.

The Bill for the more easy and speedy recovery of small debts, In the upper House read the second time amended and passed.

The Bill to establish a public inspector of Tobacco in the County of Johnston, In the upper House read the third time passed and Ordered to be engrossed.

On motion ordered the Bill for the restraint of vagrants and making provision for the poor be read the second time. Read the same the second time, amended passed and ordered to be sent to the Council.

Sent by Mr Hewes and Mr Macknight.

On motion ordered the Bill for altering certain districts of the Superior Courts of this Province, and for establishing a Superior Court at Campbelton in Cumberland County, be read the third time. Read the same the third time and rejected.

Rec<sup>d</sup> from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

Reports prevailing that the Regulators are Assembling themselves in the neighbourhood of Cross Creek, with a large quantity of provisions, and a number of waggon in order to march down to

this Town; and whereas several expences are already incurred and others becoming daily necessary, for the support of the Constitution, I am to apply to you for a vote of credit, that I may be enabled, in virtue of the spirit of your Resolve to maintain the Honor and dignity of Government, and to make provision for the preservation of the peace of the Country.

W<sup>m</sup>. TRYON.

December 31<sup>st</sup> 1770.

On motion Resolved that His Excellency the Governor be and is hereby impowered to draw on the Treasurers or either of them for a sum not exceeding £500 proclamation money which they are directed to pay out of any monies they may have in their hands, and which his Excellency is requested to apply towards the payment of any necessary expences he has been or may be at in counteracting the wicked designs of the insurgents.

Ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have resolved that His Excellency the Governor be impowered to draw on the Treasurers or either of them for a sum not exceeding £500 Which they are desired to pay out of any monies they may have in their hands, and which his Excellency is requested to apply towards the payment of any necessary expences he has been, or may be at in counteracting the wicked designs of the Insurgents, a copy of which we herewith send, and desire your Honors Concurrence thereto.

R. CASWELL, Sp.

Mr John Skinner one of the Members of Perquimans County appeared.

Then the House adjourned till 5 o'Clock in the afternoon.

The House met according to adjournment.

Rec<sup>d</sup> from the Council the Bill to prevent the exportation of unmerchable commodities, In the upper House read the third time and passed and Ordered to be Engrossed.

The order of the day being read, Resolved the Committee have leave to sit tomorrow.

Then the House adjourned till tomorrow morning 10 o'Clock.

[For Journals of succeeding days of the Session see A. D. 1771.]

## 1771.

## LEGISLATIVE JOURNALS. — [CONTINUED.]

In the Upper House — Continued from page 302.

Tuesday Morning 1<sup>st</sup> January 1771.

Present as before,

The House met according to adjournment

On motion the following Bills were ordered to be read

A Bill to direct Sheriffs in levying executions and disposal of Lands goods and chattels taken thereon, Read the first time and passed.

A Bill for vesting the School House in Edenton in Trustees, Read the second time and passed.

A Bill to ascertain what fences are sufficient, Read the first time and passed.

A Bill for erecting the Southern part of Orange County into a separate County and Parish by the name of ----- County and ----- Parish, read the first time and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning 2<sup>d</sup> January 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr M<sup>e</sup>Kinnie and Mr Rutherford the following Bills, Viz',

A Bill for erecting part of Johnston Cumberland and Orange Counties into a separate and distinct County by the name of Wake County and St Margarets Parish. On motion read the third time and passed. Ordered to be engrossed.

A Bill for an addition to and amendment of an Act Intituled an Act for appointing a Militia.

A Bill for erecting the Northern part of Rowan County into a separate and distinct County and Parish by the name of ----- County and ----- Parish. On motion read the first time and passed.

A Bill for erecting the western part of Rowan County into a separate and distinct County and Parish by the name of ----- County and ----- Parish. On motion read the first time and passed.



A Bill to prevent hunting for and killing deer in the manner therein mentioned. On motion read the third time and passed. Ordered to be engrossed.

A Bill for founding establishing and endowing of ----- College in ----- On motion read the first time and passed.

On motion a Bill for appointing commissioners for erecting and building a court house prison and stocks for the County of Tryon was ordered to be read, Read the same the second time and passed.

Received from the Assembly by Mr Slade and Mr Smithwick the following Bills Viz<sup>t</sup>

A Bill for securing the titles of the freetholders of the County of Currituck and Carteret. On motion read the first time and passed.

A Bill for erecting part of the Counties of Halifax and Tyrrell into a separate County and Parish.

Then the House adjourned till tomorrow morning 10 °Clock.

Thursday Morning 3<sup>rd</sup> January 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Thomson and Mr Edmunds the following Bills Viz<sup>t</sup>

A Bill for preventing tumultuous and riotous assemblys for the more speedy and effectual punishing the rioters and for restoring and preserving the public peace of the Province. On motion read the first time and passed.

A Bill to amend and continue an Act for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort.

A Bill to appoint commissioners for finishing the Church in Wilmington in the room and stead of John DuBois and George Wakely Esqrs, deceased. On motion read the second time and passed.

A Bill to amend an Act Intitled an Act for appointing Sheriffs and directing their duty in office. On motion read the third time and passed. Ordered to be engrossed.

A Bill for the restraint of vagrants and for making provision for the poor. On motion read the third time and passed. Ordered to be engrossed.

A Bill for appointing a salary for the Chief Justice. On motion read the first time and passed.

A Bill for erecting a Town on the Land of Richard Evans on Taw River, On motion read the first time and passed.

A Bill to prevent the untimely destruction of fish in Core sound, Bogue sound and the Streights in Carteret County. On motion read the first time and passed.

A Bill for preventing the frequent abuses in taking up and secret-ing stray horses within this Province. On motion read the first time and passed.

A Bill for establishing a public ferry across the Yadkin River at the plantation of James Smith in Rowan County.

A Bill to amend an Act Intitled an Act for establishing a Town on the Lands of John and William Russell, minors, sons of John Russell deceased on the West side of the North West branch of Cape Fear River, near the mouth of Cross Creek, by the name of Campbellton.

A Bill for the better regulation of the Town of Salisbury securing the Inhabitants in their possessions and to encourage the settlement of the said Town, On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Dickson and Mr M'Ree the following Bills, Viz<sup>t</sup>:

A Bill for appointing Commissioners for erecting and building Court House, Prison and Stocks for the County of Tryon.

A Bill to appoint Commissioners for finishing the Church in Wilmington in the room and stead of John DuBois and George Wakely Esqrs, deceased, On motion read the third time and passed. Ordered to be engrossed.

A Bill to amend an Act Intitled an Act for the regulation of the Town of Wilmington, On motion read the second time amended and passed.

Then the House adjourned till 10 °Clock tomorrow morning.

Friday Morning January 4<sup>th</sup> 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Edmunds and Mr Hare the following Bills Viz<sup>t</sup>

A Bill to relieve certain persons therein mentioned from the payment of Public County and Parish Taxes. Read the first time and rejected.

A Bill to enable the Sheriff of Beaufort to collect the Taxes for the year 1770. On motion read the first time and passed.

A Bill for the more advantageous and easy manner of obtaining partitions of Lands in coparcenary, joint tenancy and tenancy in common. On motion read the first time and passed.

A Bill to empower certain Commissioners to stamp and sign debenture Bills to the amount of ---- thousand pounds proclamation money and to exchange the same for the debenture and proclamation bills in circulation in this Province. On motion read the first time and passed.

On motion the following Message was ordered to be sent to the Assembly

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for an Addition to an amendment of an Act Intituled an Act for appointing a Militia, We propose to add the clause herewith sent. If you agree thereto please send two of your Members to see the same done.

By order

J. B. Clk.

On motion the House taking under consideration the former rules and orders of this House relative to private Bills, Do now order and resolve that all establishing or dividing of Counties or Parishes, Building of Churches appointing of Vestries, Building of Court Houses or Gaols making or altering of Roads when no particular person or persons are benefitted, shall not be deemed private Bills so as to entitle the President or Clerk to take fees thereon.

Received from the Assembly by Mr Haywood and Mr Ormund the following Bills Viz<sup>t</sup>

A Bill for the more easy and speedy recovery of small debts.

A Bill for founding, establishing and endowing of Queens College in the Town of Charlotte in Mecklenberg County. On motion read the second time and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday Morning 5<sup>th</sup> January 1771.

The House met according to adjournment.

Present as before.

On motion read the Bill for further continuing an Act Intituled an Act for appointing a printer to this Province. Read the third time and passed. Ordered to be engrossed.

The Bill for appointing Commissioners for erecting and building a Court House, prison and stocks for the County of Tryon, was read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Knox and Mr Gibson the following Bill, Message and Resolve, Viz<sup>t</sup>,

A Bill for rating the several species of foreign coin therein mentioned and making the same a tender in all payments.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House having been informed that Dan<sup>l</sup> Duncan of Orange County was strongly suspected and charged with making and uttering the counterfeit Bills of this Province, directed the said Dan<sup>l</sup> Duncan to be brought to the Bar of House, who being brought accordingly, and on examination no proof appearing against him, This House have Resolved he be discharged and that he be allowed ten pounds for his expenses in coming to and returning from the Assembly to be paid by the Treasurers or one of them out of the contingent fund, and desire your Honors concurrence thereto

R. CASWELL, Speaker.

By order JAS. GREEN, Jun<sup>r</sup> Clk.

Then on motion the said Resolve was concurred with

J. HASELL, P.

By order J. B., Clk. .

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House have Resolved that Dorcas Bathurst be allowed the sum of two pounds ten shillings; she having made it appear that in the storm of 7<sup>th</sup> September 1769 she lost a sum equal to that in proclamation money which we have directed to be paid her out of the sinking fund and desire your Honors concurrence.

R<sup>d</sup> CASWELL, Speaker.

In the Assembly the 5<sup>th</sup> Jan<sup>y</sup> 1771.

Then on motion the said Resolve was read and concurred with

J. HASELL, President.

5<sup>th</sup> Jan<sup>y</sup> 1771.

By order J. B., Clk,

Then the House adjourned to 10 o'clock on Monday Morning.

Monday Morning 7<sup>th</sup> January 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Prior and Mr Alexander A Bill for appointing Trustees in the room and place of those heretofore appointed by an Act of Assembly passed in the year 1768 intitled "An Act for building a public gaol and gaolers house for the District of New Bern in the Town of New Berne. On motion read the first time and passed.

Then on motion the Bill for the more easy and speedy recovery of small debts, the said Bill was read and rejected.

A Bill to empower dissenting Ministers regularly called to any congregation to solemnize the rites of Marriage under certain restrictions therein mentioned, on motion rejected.

A Bill for erecting the Northern part of Orange County [into a separate and distinct] County and Parish by the name of Norbury County and Trinity Parish. On motion rejected.

Received from the Assembly the following Message, Viz<sup>t</sup>,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this day relative to the Bill for an addition to and amendment of an Act Intitled "An Act for appointing a Militia," This House agree to the clause by you proposed and send Mr Knox and Mr Harvey to see the same inserted in the said Bill.

R. CASWELL Speaker.

Then the clause referred to was inserted in the said Bill in presence of the Members sent for that purpose and then the Bill was put and passed the third time. Ordered to be engrossed.

A Bill for erecting part of Rowan County and part of Orange County into a separate County and Parish by the name of Chatham County and Unity Parish and other purposes. Read the second time and passed.

A Bill for erecting part of the Counties of Halifax and Tyrrell into a County and Parish. Read the second time, amended and passed.

Received from the Assembly a Bill to prevent the unreasonable destruction of fish in the Rivers Roanoake and Dan and other water courses therein mentioned. Read the first time and passed.

Received from the Assembly by Mr Dunn and Mr Lock the following Bills, Viz<sup>t</sup>,

A Bill for erecting a Town on the Land of Richard Evans on Tar River. On motion read the second time and passed.

A Bill for erecting the northern part of Rowan County into a separate and distinct County and Parish by the name of Surry County and All Saints Parish.

A Bill for erecting the Western part of Rowan County into a separate and distinct County and Parish by the name of Westmoreland County and St. Jude's Parish.

A Bill for erecting the Southern part of Orange County [into a separate and distinct County and Parish] by the name of Guilford County and St. Bartholomew Parish.

A Bill to enable the several Inferi<sup>or</sup> Courts in this Province to lay a Tax to defray the expence of negroes capitally convicted in their respective Counties. On motion read the first time and passed.

A Bill for securing the titles of freeholders in this Province. On motion read the second time, amended and passed.

A Bill to establish a public ferry across the Yadkin River at the Plantation of James Smith in Rowan County.

Then the House adjourned to 10 °Clock tomorrow morning.

Thursday Morning 8<sup>th</sup> January 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly the following Bills by Mr Smith and Mr Smithwick Viz<sup>t</sup>

A Bill for founding establishing and endowing of Queens College in the Town of Charlotte in Mecklenburg County. On motion read the third time and passed. Ordered to be engrossed.

A Bill for rating the several species of foreign coin therein mentioned.

A Bill for preventing tumultuous and riotous Assemblys, for the more speedy and effectual punishing the Rioters and for restoring and preserving the public peace of the Province. On motion read the second time amended and passed.

A Bill to direct Sheriffs in levying Executions and the disposal of lands goods and chattles taken thereon.

A Bill to amend and continue an Act for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort.

A Bill for erecting part of Rowan County and part of Orange County into a separate County and Parish by the name of Chatham County and Unity Parish and other purposes.

An additional and explanatory Bill to an Act Intituled "An Act for regulating the several officers fees within this Province and ascertaining the method of paying the same."

A Bill for appointing a Salary for the Chief Justice.

A Bill for securing the titles of freeholders.

A Bill for appointing Trustees in the room and place of those heretofore appointed by an Act of Assembly passed in the year 1768 Intituled "An Act for building a public gaol and gaolers House for the district of New Bern.

A Bill to ascertain Attornies fees.

A Bill for the better settling regulating and improving the Town of Beaufort in the County of Carteret and for annexing Ocacock Island to the said County.

A Bill for erecting a Town on the Land of Richard Evans on Tar River.

A Bill to prevent frauds in entering up Judgments on bonds notes or other instruments of writing by virtue of any warrant or warrants of Attorney.

A Bill for the more advantageous and easy manner of obtaining partitions of Land in Coparcenary joint tenancy and tenancy in common.

A Bill for erecting part of the Counties of Halifax and Tyrrel into a County and Parish.

Received from the Assembly the following message,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

We herewith send you a Resolve of this House for allowing the sum of one hundred and twelve pounds ten shillings to George Blair and desire your Honors concurrence thereto.

RICHARD CASWELL, Speaker.

Then the House adjourned till tomorrow morning 10 o'clock.

Wednesday Morning January 9<sup>th</sup> 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Alston and Mr Smith the following Bills,

A Bill to prevent the unreasonable destruction of fish in the Rivers of Roanoke and Dan and other water courses therein mentioned. On motion read the second time and passed.

A Bill directing the method of recovering all debts and demands in this Province under five pounds proclamation money.

Then on motion the following Bills were ordered to be read,

A Bill for rating the several species of foreign coin &c<sup>a</sup>, was read the second time and rejected.

A Bill to amend and continue an Act for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort, was read the second time and passed with amendments.

Received from the Assembly by Mr Thomson and Mr Sheppard the following Bills Viz<sup>t</sup>

A Bill for vesting the school House in Edenton in Trustees.

A Bill to prevent the untimely destruction of Fish in Core Sound Bogue Sound and Streights, in Carteret County. On motion read the second time amended and passed.

A Bill to enable the Sheriff of Beaufort to collect the Taxes for the year 1770.

A Bill to enable the several Inferior Courts in this Province to lay a Tax to defray the expence of negroes capitally convicted in their respective Counties. On motion read the first time and passed.

Received from the Assembly the following message,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a Resolve of this House for allowing His Excellency the Governor the sum of one hundred and thirty four pounds six shillings and desire your Honors concurrence thereto.

R<sup>d</sup> CASWELL, Speaker.

In the Assembly 9<sup>th</sup> Jan<sup>y</sup> 1771.

By order J. GREEN, JUN<sup>r</sup>., Clk.

In the upper House 10<sup>th</sup> Jan<sup>y</sup> concurred with

J. HASELL, P

By order J. BURGWIN.

Then the House adjourned till tomorrow morning 10 o'clock.

Thursday Morning January 10<sup>th</sup> 1771.

The House met according to adjournment.

Present as before.



On motion the following Bills were ordered to be read Viz<sup>t</sup>,

A Bill to prevent frauds in entering up judgments on bonds, notes and other instruments of writing by virtue of any warrant or warrants of Attorney. Read the first time and passed.

A Bill for the better settling regulation and improving the Town, of Beaufort in the County of Carteret, and for annexing Ocacock Island to the said county. Read the first time and passed.

A Bill to ascertain Attornies Fees. Read the first time and passed.

A Bill to direct Sheriffs in levying Executions and the disposal of lands, goods and chattels taken thereon. Read the second time amended and passed.

Received from the Assembly by Mr Gibson and Mr Campbell,

A Bill to amend an Act Intituled an Act to impower the Inferior Courts of the several Counties in this Province to order the laying out of Public Roads and establish and settle ferrys and to appoint where bridges shall be built for the use and ease of the Inhabitants of this Province, and to clear navigable Rivers and Creeks. On motion read the first time and passed.

A Bill for appointing a salary for the Chief Justice. Read the second time amended and passed.

A Bill to enable the several Inferior Courts in this Province to lay a tax to defray the expence of negroes capitally convicted in their respective Counties. Read the second time and rejected.

Received from the Assembly by Mr Fanning and Mr Macknight, A Bill for preventing tumultuous and riotous assemblys, for the more speedy and effectual punishing the Rioters, and for restoring and preserving the public peace of the Province. On motion read the third time and passed. Ordered to be engrossed.

A Bill to enable the Sheriff of Beaufort to collect the Taxes for the year one thousand seven hundred and seventy. Read the second time and passed.

Received from the Assembly, A Bill to indemnify the several Sheriffs who have not collected the one shilling tax p. poll for sinking the twelve thousand pounds granted in the year 1760, and the tax of 2s. p. poll for sinking the £20,000 granted in the year 1761, and to direct such Sheriffs who have received the said Taxes to refund the same to the people from whom they received the said Taxes. On motion read the first time and passed.

A Bill for preventing the frequent abuses in taking up and secret-ing stray horses within this Province. On motion read and rejected.

On motion the following message was ordered to be sent to the Assembly, Viz<sup>t</sup>,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for securing the Titles of the Freeholders in this Province: We find that since our second reading the mode for appointing the persons to examine the copys of the Registers has been altered by you, We propose to put the same on the same footing it was when we sent it to you; We further propose that in the last page of the Bill the word *said* be altered to *respective*, that it may be more consistent; to which amendments if you agree please send two of your members to see the same made.

By order

J. B., Clk.

Then the House adjourned till 10 °Clock tomorrow morning.

Friday Morning January 11<sup>th</sup> 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly the following Message Viz<sup>t</sup>

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of yesterday relative to the Bill for securing the Titles of the freeholders in this Province, This House agree to the amendments by you proposed and send Mr Macknight and Mr Thomson to see the same made.

R<sup>d</sup> CASWELL, Speaker.

By order

J. GREEN, Clk.

Then the alterations were made and the Bill passed the third time. Ordered to be engrossed.

Received from the Assembly the following Bills and resolves Viz<sup>t</sup>

A Bill for appointing a salary for the Chief Justice. On motion read the third time and rejected.

A Bill for obtaining a true and distinct list of the taxable persons in the Town of New Bern and to empower the Sheriffs to collect the Town taxes due from the Inhabitants of the said Town. On motion read the second time and passed.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

We herewith send you a Resolve The Capt Commandant appointed by His Excellency, and the said Capt. be allowed ten shillings and eight pence p diem and that the Garrison be continued under the rules and regulations established by Resolve of the last Session of Assembly for one year and from thence to the end of the next Session of Assembly and desire your Honors Concurrence thereto.

R<sup>d</sup> CASWELL Speaker.

By order J. GREEN, Clk.

In the Assembly the 10<sup>th</sup> January 1771.

In the upper House, Concurred with.

J. HASELL, P.

By order J. B. Clk.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a Resolve of this House in favour of the Honble William Dry Esquire for a drawback of the duties paid on rum and spirits which he has supplied his Majestys navy with and desire your Honors Concurrence thereto.

R. CASWELL, Speaker.

By order J. GREEN, Clk.

In the Assembly the 10<sup>th</sup> January 1771.

In the upper House 11<sup>th</sup> January 1771, Concurred with.

J. HASELL, P.

Then the House adjourned till 10 °Clock tomorrow morning.

Saturday Morning 12<sup>th</sup> January 1771.

The House met according to adjournment.

Present as before,

Received from the Assembly the following Bills, to wit,

A Bill to direct the method hereafter to be observed by the Treasurers in keeping the public accounts of this Province. On motion read the first time and passed.

A Bill for obtaining a true and distinct list of taxable persons in the Town of Newbern and to empower the Sheriff to collect the Town Taxes due from the Inhabitants of the said Town. On motion read the second time and passed.

A Bill for the better settling regulating and improving the Town of Beaufort in the County of Carteret and for annexing Ocacoke Island to the said County. On motion read the second time and passed.

A Bill to amend and continue an Act for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort.

A Bill to prevent the untimely destruction of fish in Core Sound Bogue Sound and the Streights in Carteret County. On motion read the third time and passed. Ordered to be engrossed.

A Bill to enable the Sheriff of Beaufort to collect the taxes for the year 1770.

A Bill for appointing Trustees in the room and place of those heretofore appointed by an Act of Assembly passed in the year 1768, Intituled an Act for building a public gaol and gaolers house for the district of New Bern in the Town of New Bern.

A Bill to amend an Act Intituled an Act for the regulation of the Town of Wilmington.

A Bill to indemnify the several sheriffs who have not collected the one shilling Tax p. poll for sinking twelve thousand pounds granted in the year one thousand seven hundred and sixty and the tax of 2d. p. poll for sinking the twenty thousand pounds granted in the year one thousand seven hundred and sixty one, and to direct such sheriffs who have received the said Taxes to refund the same to the people from whom they received the said Taxes. On motion read the second time and passed.

On motion the following Bills were ordered to be read,

A Bill for the more advantageous and easy manner of obtaining partitions of land in coparcenary, joint tenancy and tenancy in common.

A Bill for recovering and appropriating fines and forfeitures in certain Counties within this Province. On motion read the first time and passed.

An additional and explanatory Bill to an Act Intituled an Act for regulating the several officers fees within this Province and ascertaining the method of paying the same. On motion read the second time and passed.

A Bill directing the method of recovering all demands in this Province under five pounds proclamation money. On motion read the second time amended and passed.

On motion read the following Bills, Viz<sup>t</sup>,

A Bill for erecting the western part of Rowan County into a separate and distinct County and Parish by the name of Westmoreland County and St Jude's Parish. Then on motion the same was rejected.

A Bill for erecting the northern part of Rowan County into a separate and distinct County and Parish by the name of Surry County and All Saint's Parish. Then on motion the same was rejected.

Received from the Assembly the following Bills viz<sup>t</sup>,

A Bill for the more easy and certain collection of his Majestys Quit rents in this Province. On motion read the first time and passed.

A Bill to amend an Act to impower the Inferior Courts of the several Counties in this Province to order the laying out of public roads and to establish and settle ferries and to appoint where bridges shall be built for the use and ease of the Inhabitants of this Province and to clear navigable Rivers and Creeks. Read the second time and passed.

A Bill to direct Sheriffs in levying Taxes and the disposal of lands, goods and chattels taken thereon.

A Bill directing the method of recovering all debts and demands in this Province under five pounds proc. money.

Then the House adjourned till 10 o'clock Monday morning.

Monday Morning 14<sup>th</sup> January 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Sheppard and Mr Dickson the following Bills Viz<sup>t</sup>

A Bill for the better settling regulating and improving the Town of Beaufort and for annexing Ocracoke Island to the said County.

A Bill for recovering and appropriating fines and forfeitures in certain Counties within this Province. On motion read the second time and rejected.

A Bill for obtaining a true and distinct list of the taxable persons in the Town of New Bern and to impower the Sheriff to collect the Town Taxes due from the Inhabitants of the said Town.

A Bill for appointing Trustees in the room and place of those heretofore appointed by an Act of Assembly passed in the year 1768 Intituled an Act for building a public gaol and gaolers house for the District of New Bern in the Town of New Bern. Read the third time and passed, Ordered to be engrossed.

A Bill to prevent the unreasonable destruction of fish in the Rivers of Roanoke and Dan and other water courses therein mentioned. Read the third time and passed, Ordered to be engrossed.

A Bill to amend an Act Intituled an Act to impower the Inferior Courts of the several Counties in this Province to order the laying out of public roads and to establish and settle ferrys and to appoint where bridges shall be built for the use and ease of the Inhabitants of this Province and to clear navigable Rivers and Creeks. On motion read the third time and passed, Ordered to be engrossed.

On motion the following Message was ordered to be sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill to direct Sheriffs in levying Executions and the disposal of lands goods and Chattels taken thereon,

We propose the word *shall* be altered to the word *may* and that the clause relative to appeals be *stetcd*, and the following clause be added — Provided also that lands shall not be taken on any Execution when there shall be other goods and chattels sufficient to satisfy the same.

If you agree thereto please send two of your members to see the same done.

By order

J. B. Clk.

14<sup>th</sup> January 1771.

On motion the Bill directing the method of recovering all debts and demands in this Province under five pounds proclamation money, was read the third time and rejected.

Received from the Assembly the following Bills Viz<sup>t</sup>,

A Bill to alter the method of working on the roads in the Countys therein mentioned. On motion read the first time and passed.

A Bill for the more easy and effectual method of collecting the taxes in the Counties therein mentioned. On motion read the first time and passed.

A Bill for ascertaining the boundary line between the County of Rowan and the Counties of Mecklenburgh, Tryon and for appointing Commissioners to run the same. On motion read the first time and passed.

A Bill to ascertain Attornies fee. On motion read the second time and passed.

Received from the Assembly A Bill erecting a new county between the Towns of Salisbury and Hillsborough by taking a part of the Counties of Rowan and Orange. On motion read the first time and passed.

A Bill to prevent frauds in entering up judgments on bonds, notes and other Instruments of writing by virtue of any warrant or warrants of Attorney. On motion read the second time amended and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday Morning January 15<sup>th</sup> 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly the following Bills, Viz<sup>t</sup>,

A Bill for the more easy and certain collection of his Majestys quit rents in this Province.

A Bill for establishing two Loan Offices in this Province. On motion read the first time and passed.

A Bill to prevent frauds in entering up Judgments on bonds, notes and other instruments of writing by virtue of any warrant or warrants of Attorney. On motion read the second time and rejected.

A Bill to prevent card playing and other deceitful gaming. On motion read the first time and passed.

A Bill to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province. On motion read the second time and passed.

A Bill for establishing a new County between Campbelton and Hillsborough by taking the southern part of the Inhabitants of Orange County and by erecting the same into a distinct County by the name of ----- County and ----- Parish. On motion read the first time and passed.

A Bill for erecting a new County between the Towns of Salisbury and Hillsborough, by taking part of the Countys of Rowan and Orange. On motion read the second time and passed.

An additional Bill to an Act to regulate elections for Members to serve in the General Assembly and to ascertain who shall be qualified to vote at the said Elections or to be Elected a Member of the General Assembly and to direct the method to be observed in taking the Poll at the several Elections in the Counties and Towns in this Province. On motion read the first time and passed.

A Bill for appointing fees for such persons as the Governor or Commander in Chief for the time being shall create Master of the Rolls. On motion the said Bill was read the first time and rejected.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning.

The House met according to adjournment.

A Bill for erecting part of the Inhabitants of the County of Orange to the northward of the Town of Hillsborough into a separate and distinct County by the name of ----- and ----- Parish.

A Bill to ascertain Attorneys fees.

A Bill to direct the method hereafter to be observed by the Treasurers in keeping the public accounts. On motion read the second time and passed.

Received from the Assembly by Mr Pryor and Mr Person the following Message Viz<sup>t</sup>,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House agree to the additional clause proposed by you to be added to the Bill to direct Sheriffs in levying Executions and the disposal of lands, goods and chattels taken thereon, but cannot agree to *set* the clause relative to appeals as it may be productive of delay, nor can we recede from retaining the word *shall* proposed by you to be altered to the word *may*, as things taken upon Execution would by that means be left at large and neither belong to Plt. nor Deft. We cannot conclude without adding that the critical situation of this Country renders the passing this Bill especially necessary and therefore persuade ourselves it will meet with your Honors concurrence, in which case two of our Members shall attend to see the clause you propose added to the Bill.

R<sup>d</sup> CASWELL, Speaker.

On motion the Bill to amend an Act Intituled an Act for the regulation of the town of Wilmington, was read the third time and passed. Ordered to be engrossed.

Received from the Assembly the following Bills, to wit, viz,

A Bill for erecting a new County between the Towns of Salisbury and Hillsborough by taking part of the Countys of Rowan and Orange. On motion read the third time and passed. Ordered to be engrossed.



A Bill to enlarge the time for several Sheriffs to settle their accounts with the Justices of the Inferior Courts of Pleas and Quarter Sessions of the Counties therein mentioned. On motion read the second time and passed.

A Bill for ascertaining the boundary line between the County of Rowan and the counties of Mecklenburgh and Tryon and for appointing Commissioners to run the same. On motion read the second time and passed.

Received from the Assembly the following Bills Viz<sup>t</sup>,

A Bill for the more advantageous and easy manner of obtaining partitions of Lands in parcenary, joint tenancy and tenancy in common.

A Bill to further continue an Act for the restraint of Vagrants and for making provisions for the poor and other purposes.

A Bill for the more easy and effectual method of collecting the Taxes in the Counties therein mentioned.

A Bill to enlarge the time for several Sheriffs to settle their accounts with the Justices of the Inferior Court of Pleas and Quarter Sessions of the Countys therein mentioned. On motion read the third time and passed. Ordered to be engrossed.

A Bill for erecting part of the Inhabitants of the County of Orange to the northward of the town of Hillsborough into a separate and distinct County and Parish by the name of ----- County and ----- Parish.

A Bill to prevent card playing and other deceitful gaming.

Then the House adjourned till 10 o'clock tomorrow morning

Thursday Morning 17<sup>th</sup> January 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly a Bill for ascertaining the boundary line between the County of Rowan and the Countys of Mecklenburgh and Tryon and for appointing commissioners to run the same.

Received from the Assembly the following Resolve, Viz<sup>t</sup>,

Resolved, that Thomas Sitgreaves be allowed for his pay as Captain of the Prison Guards, guard room, fire and candles furnished the said guards from the 21<sup>st</sup> day of December last to this day the sum of thirteen pounds to be paid him out of the five hundred pounds, Resolved by this House to be drawn out of the Treasury

by His Excellency the Governors Warrant to be applied towards the payment of any necessary expenses His Excellency has been or may be at in the counteracting the wicked designs of the Insurgents.

RICH<sup>d</sup> CASWELL, Speaker.

By order J. GREEN, Jun<sup>r</sup>, Clk.

Received from the Assembly the following Bills, Viz<sup>t</sup>

A Bill to encourage and support the establishment of a Post Office in this Province. On motion read the first time and passed.

A Bill to indemnify the several Sheriffs who have not collected the one shilling tax p. poll for sinking the £12,000 granted in the year 1760, and to direct such sheriffs who have received the said taxes to refund the same to the people from whom they received the said taxes. On motion read the third time and passed. Ordered to be engrossed.

On motion the following Bills were ordered to be read,

A Bill for the more advantageous and easy manner of obtaining partitions of Lands in coparcenary, joint tenancy and tenancy in common. Read the third time and passed. Ordered to be engrossed.

A Bill to prevent card playing and other deceitful gaming. Read the second time and passed,

On motion the following message was ordered to be sent to the Assembly,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We observe by your message of the 15<sup>th</sup> Instant that you do not agree to our proposed alteration of the word *shall* to the word *may* or allow the clause admitting an appeal in the "Bill to direct Sheriffs in levying Executions, In order therefore to make that Bill less liable to objection, We agree that the word *shall*, stand with respect to goods and chattels, but that with respect to lands in such cases the Plt *may* take them at 2s. 3d. the value to which end we send a clause with the necessary alteration. If you agree thereto please send two of your members to see this and the former clause agreed to by you, added to the Bill.

By order

J. BURGWIN, Clk.

A Bill to further continue an Act for the restraint of vagrants and for making Provision for the poor and other purposes. Read the first time and passed.

A Bill for the more easy and effectual method of collecting Taxes in the Counties therein mentioned. Read the second time and passed.

A Bill to amend and continue an Act for facilitating the navigation of Port Bath Port Roanoke and Port Beaufort. Read the third time and passed. Ordered to be engrossed.

The following Message was sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill for appointing William M of Tryon County to collect and receive the Taxes due for the 1768, We observe as the Bill now stands that Wyley would be immediately discharged from such taxes, which we are of opinion ought not to be until Moore gives Bond and sufficient security and therefore propose the words following be inserted in the Bill Viz<sup>t</sup>, "As soon as the said W<sup>m</sup> Moore has given Bond sufficient security as aforesaid, That James Wyley shall be exempted &c<sup>a</sup>" as in the Bill.

If you agree thereto please send two of your Members to see the same done.

17<sup>th</sup> January 1771.

Then the House adjourned until tomorrow morning 10 o'clock

Friday Morning 18<sup>th</sup> January 1771.

The House met according to adjournment.

Present as before.

On motion the following Bills were ordered to be read,

A Bill for vesting the school house in Edenton in Trustees. Read the third time and passed. Ordered to be engrossed.

A Bill to amend an Act Intituled an Act for establishing a Survey on the Lands of John and William Russell, Minors, sons of William Russell deceased, on the West side of the N<sup>o</sup> West branch of the Fear River near the mouth of Cross Creek by the name of Campton. On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly an additional Bill to an Act for defraying the contingent charges of Government. On motion read the first time and passed.

A Bill for regulating the issuing of marriage licenses, On motion read the first time and passed.

Received from the Assembly the following Message and Bills  
Viz<sup>t</sup>

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your Message of this day respecting the Bill for appointing William Moore of Tryon County to collect and receive the taxes due for the year 1768, We agree to the amendments by you proposed, and send Mr Dunn and Mr Ormond to see the same made.

R. CASWELL, Speaker.

Then the alteration mentioned was made in presence of the members sent for that purpose, and the Bill passed the third time. Ordered to be engrossed.

A Bill for further continuing an Act for the restraint of Vagrants and for making provision for the poor and other purposes. On motion read the second time and passed.

A Bill to prevent card playing and deceitful gaming. On motion read the third time and passed. Ordered to be engrossed.

A Bill for establishing a new County between Campbelton and Hillsborough by taking the southern part of the Inhabitants of Orange County and by erecting the same into a distinct County by the name of Chatham County and St Bartholomew Parish. On motion read the third time and passed. Ordered to be engrossed.

On motion ordered the following Message be sent to the Assembly,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time "A Bill to ascertain Attornies fees," We propose the following amendments to the Bill as it now stands Viz<sup>t</sup>, to *dele* the clause relative to the Attornies fees and insert the following and that they shall not take more,

	s. d.
For every opinion or advice in any matter respecting Superior Court business.....	1 10
The same in Inferior Court.....	15
On all suits for recovering of debts due by book Accounts, notes or bonds in Superior Court.....	2 00
On all actions when titles of land do not come in question in the Superior Court.....	3 10

	s.	d.
In all suits in trespass <i>Quare clausum fregit</i> .....	5	00
In Ejection .....	7	10
In all Actions in the Inferior Court of what nature soever ----	1	10

Provided that in every Bill of Costs the Clerk shall tax for the Lawyers fee 30s. in the Superior Court and 15s. in the Inferior Courts.

We propose to *delete* the clause and proviso giving power to the Superior and Inferior Courts over the Attorneys and also that the last proviso in the Bill relative to any compensation to be given to a Lawyer at the end of the suit.

And that this Act shall continue and be in force for and during two years and no longer.

If you agree to these amendments please send two of your members to see the same made.

By order J. B., Clk.

Received from the Assembly the following Resolve, Viz<sup>t</sup>,

Resolved that six thousand weight of gun powder two thousand weight of musket balls and shot be purchased for the use and defence of this Province and that the Captain Commandant of Fort Johnston do purchase the same and that His Excellency the Governor be empowered to draw upon either of the public Treasurers for money to purchase the same.

R. CASWELL, Speaker.

In the upper House 18<sup>th</sup> January 1771. • Concurred with.

J. HASELL, P.

By order J. B., Clk.

A Bill to encourage and support the establishment of a post office in this Province. On motion read the second time amended and passed.

Then the House adjourned till tomorrow morning 10 o'clock.

Saturday Morning 19<sup>th</sup> January 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly the following Bills, Viz<sup>t</sup>, ,

A Bill for the more speedy recovery of all debts and demands under five pounds proclamation money within this Province. On motion read the first time and passed.

A Bill for granting a salary to the Chief Justice out of the Contingent fund.

A Bill to alter the method of working on the roads in the Countys therein mentioned.

A Bill for further continuing an Act for the restraint of vagrants and for making provision for the poor and other purposes.

A Bill regulating the issuing of marriage licenses.

A Bill to encourage and support the establishment of a post office in this Province.

Also the following Resolve, Viz<sup>t</sup>,

Resolved, that Mr Southier be allowed fifty pounds for the map of this Province and plans of the several Towns therein presented by him to this House to be paid by the Treasurers or one of them out of the contingent fund.

RICH<sup>d</sup> CASWELL, Speaker.

19<sup>th</sup> January 1771. In the upper House. Concurred with

J. HASELL, P.

Then the House adjourned till 10 o'clock Monday morning.

Monday Morning 21<sup>st</sup> January 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Gray and Mr Henry an additional Bill to an Act Intituled an Act for defraying the contingent charges of Government. On motion read the second time and passed.

Received from the Assembly the following Resolves Viz<sup>t</sup>,

In the Assembly 19<sup>th</sup> January 1771,

Resolved, that Mr Gibson and Mr Jones be allowed the sum of five pounds each for their models of rice mills, laid before this House, to be paid by the Treasurers or one of them out of the Contingent Fund.

R<sup>d</sup> CASWELL, Speaker.

By order J. GREEN, Clk.

In the upper House 21<sup>st</sup> January 1771, Read and concurred with.

J. HASELL, P.

By order J. B., Clk.

Resolved that Simon Bright be allowed the sum of ten pounds for apprehending and bringing George Martin to the bar of this House who was suspected of making and passing counterfeit money, to be paid by the Treasurers or one of them out of the Contingent Fund.

R<sup>d</sup> CASWELL, Speaker.

By order J. GREEN, Jun<sup>r</sup>, Clk.

In the upper House concurred with, 21<sup>st</sup> January 1771.

J. HASELL, P.

By order J. B., Clk.

On motion the following Bills were ordered to be read, Viz<sup>t</sup>,

An additional Bill to an additional Act Intituled an Act to regulate elections for members to serve in the General Assembly and to ascertain who shall be qualified to vote at the said elections or to be elected a Member of the General Assembly and to direct the method to be observed in taking the poll at the several elections in the Counties and Towns in this Province, Read the second time and passed.

Received from the Assembly by Mr Lane and Mr Bonner the Report of the Committee of Claims which were read and concurred with.

A Bill for the better settling, regulating and improving the Town of Beaufort in the County of Carteret and for annexing Ocacock Island to the said County, Read the third time and passed. Ordered to be engrossed.

A Bill for the more speedy recovery of all debts and demands under five pounds proclamation money within this Province. On motion read the second time and passed.

Received from the Assembly the following Bills, Viz<sup>t</sup>,

A Bill for granting a Salary to the Chief Justice out of the Contingent fund. On motion read the second time amended and passed.

Received from the Assembly the following Message, Viz<sup>t</sup>,

In answer to your Message of the 18<sup>th</sup> current relative to the bill for ascertaining fees, We agree to *dele* the clause giving power to the Superior and Inferior Courts over the Attornies and send Mr Fanning, Mr Haywood and Mr Person to see the same inserted, but cannot agree to any other alteration.

21<sup>st</sup> January 1771.

R<sup>d</sup> CASWELL, Speaker.

By order J. GREEN, Jun<sup>r</sup>, Clk.

Then the alteration agreed to was made to the bill, read the third time and passed. Ordered to be engrossed.

Received from the Assembly the following Bill, Viz<sup>t</sup>,

An additional Bill to an Act for defraying the contingent charges of Government. Read the second time and passed.

Received from the Assembly the following Resolve, Viz<sup>t</sup>,

In the Assembly 21<sup>st</sup> January 1771,

Résolved, That the Honble Robert Palmer Secretary be allowed the sum of fifty pounds for the expences in removing all the records and papers belonging to the Secretarys Office from Wilmington to New Bern to be paid by the Treasurers or one of them out of the contingent fund.

R<sup>d</sup> CASWELL, Speaker.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday Morning 22<sup>d</sup> January 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly the following Bills Viz<sup>t</sup>

An additional Bill to an Act Intitled an Act to regulate Elections for Members to serve in the General Assembly &c<sup>a</sup>.

An additional Bill to an Act Intitled an Act for defraying the contingent charges of Government, On motion read the third time and passed. Ordered to be engrossed.

A Bill for regulating the issuing of Marriage Licenses.

A Bill for the more speedy recovery of all debts and demands under five pounds proclamation money within this Province. Read the third time and passed. Ordered to be engrossed.

Received from the Assembly the following Message Viz<sup>t</sup>,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of the 7<sup>th</sup> Inst relative to the Bill to direct Sheriffs in levying Executions &c<sup>a</sup>, We agree to the amendments by you proposed and send Mr Fanning and Mr Willie Jones to see the clauses added to the Bill.

R<sup>d</sup> CASWELL, Speaker.

By order

J. GREEN, Clk.



Then the clauses mentioned were inserted in presence of the Members sent for that purpose and the Bill passed the third time. Ordered to be engrossed.

On motion ordered the following Message be sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We observe on your third reading of the Bill for regulating the issuing of Marriage License you have inserted a clause empowering Presbyterian Ministers to marry without a License, which clause we can by no means agree to, and propose to *delete* the same. If you consent to this amendment please send two of your Members to see it done that the Bill may pass into a Law.

On motion the following Message was ordered to be sent to the Assembly Viz<sup>t</sup>

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the explanatory Bill relative to Clerks fees We are of opinion in many instances the Clerks of the Superior Courts are not allowed fees adequate to the Services they are obliged to perform and therefore from a principle of Justice We would propose the following amendments viz<sup>t</sup>

In the clause giving a fee for continuances, We propose to *delete* the words "*after the second cor*" and that the clause stand as follows viz<sup>t</sup>

"For the continuance or reform of every cause including all fees for every service necessary thereon, Unless when an attachment or pluries writ is issued, in which case the Clerk is intitled to 2s. more which shall include all services in swearing and entering the Oaths of Garnishes and all rules orders and entrys thereon."

As it requires judgment and knowledge in the Law to draw up Records properly the fee you have allowed the Superior Court Clerk is by no means adequate to the service. We propose it to be made 10s. which sum in another clause in this Bill you have allowed for the same service to Clerks of the Inferior Courts this alteration will make the Bill more consistent.

And as commissions under seal of Office often issue for the examination of Witnesses in causes depending and depositions are returned and filed as evidence in the cause for which service there is no fee allowed to the Clerks, We propose in the clause where a Commission is directed to take the examination of a *feme Covert*

to insert the words, "or Witnesses in any cause depending in any Superior Court,

The fee allowed on a Special Verd<sup>t</sup> is quite inadequate to the service the Clerk is obliged to perform and therefore propose to make the fee 8s.

We would propose the tax of 20s. and 5s. on Law Suits be made pay<sup>a</sup> on final judgment or determination of the cause and that the Bill be altered to that purpose.

If your House agree to these amendments please send two of your members to see the same made.

By order J. BURGWIN, Clk.

In the upper House 22<sup>d</sup> January 1771.

Then the House adjourned till 10 °Clock tomorrow morning

Wednesday Morning 23<sup>d</sup> January 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly the following messages, Viz<sup>t</sup>,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

The Chairman of the Committee of Public Accounts having reported that the Northern Treasurer hath paid into the Committee on Account of the sinking fund five thousand seven hundred and thirty pounds 11s. and six pence, And the Treasurer of the Southern District the sum of £9,210 19s. 11d. on the same fund,

This House have appointed a Committee of the whole House to see the said two sums amounting in the whole to £14,941 11s. 5d. burnt at the House of Tho<sup>s</sup> Hawkes in New Bern at four o'clock this afternoon, in conjunction with such of your Honors as you shall think fit to appoint.

R<sup>d</sup> CASWELL, Speaker.

By order J. GREEN, Clk.

In the Assembly 23<sup>d</sup> January 1771.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your message of this day respecting the explanatory Bill relative to clerks fees, We agree to the proposal you make to insert the clause when a Commission is directed to take the examination of a *feme Covert* the words "or witnesses in any cause depend-

ing in a Superior Court," And send Mr Johnston and Mr Macknight to see the same inserted accordingly; the other amendments you propose we cannot agree to.

R<sup>d</sup> CASWELL, Speaker.

By order J. GREEN, Clk.  
In the Assembly 22<sup>d</sup> January 1771.

Then the words agreed to were inserted in the Bill in the presence of the members sent for that purpose and the Bill was passed the third time. Ordered to be engrossed.

On motion ordered the following message be sent to the Assembly, Viz<sup>t</sup>,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your message relative to the burning of the money paid by the Treasurers to the Committee of Accounts on the sinking fund, We have appointed a Committee of the whole House to join yours to see the same done at the place and time appointed by you.

By order J. B., Clk.  
In the upper House 23<sup>d</sup> January 1771.

Received from the Assembly the following Message Viz<sup>t</sup>,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your message of this day relative to the "Bill for regulating the issuing of marriage licenses" this House cannot agree to *delete* the clause you mention and hope your Honors will pass the Bill as it went from us.

R<sup>d</sup> CASWELL, Speaker.

By order J. GREEN, Clk.  
In the Assembly 22<sup>d</sup> January 1771.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday Morning January 24<sup>th</sup> 1771.

The House met according to adjournment.

Received from the Assembly the following resolve, viz<sup>t</sup>,

Resolved, That John Letteral be allowed the sum of ten pounds for acting as Clerk to the Committee of propositions and grievances; And Thomas Sitgreaves the sum of twelve pounds for a room, fire

and candles for the said Committee, to be paid by the Treasurers or one of them out of the contingent fund.

R<sup>d</sup> CASWELL Speaker.

By order J. GREEN Clk.

In the upper House 24<sup>th</sup> January 1771, Concurred with.

J. HASELL, P.

By order J. B. Clk.

The following Messages were ordered to be sent to the Assembly,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for the more easy and certain and easy collection of His Majestys Quit Rents in this Province, We observe you have inserted in page 3 these words "Or shall not pay down in Court all arrears of Quit Rents and all costs accrued thereon," which in our opinion defeats the intent of the Bill and therefore propose to *dele* them. We would further propose that the Receiver General shall be obliged to appoint a Receiver to attend in each County for the receipt of quit rents. If you agree thereto please send two of your members to see the alteration made.

In the upper House 24<sup>th</sup> January 1771.

By order

J. B. Clk.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We hope you will reconsider your Message on the Bill for regulating the issuing of marriage license and *dele* the last clause, it being foreign to the subject matter of the Bill. If you agree thereto please send two of your members to see it done.

In the upper House 24<sup>th</sup> January 1771.

By order

J. B. Clk.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Upon reading a third time the Bill for granting a salary to the Chief Justice this House are of opinion not to recede from their amendment for allowing six hundred pounds per year and fifty pounds a Court; and therefore hope your House will concur with them, as the difference in the two sums, tho' material to the Chief Justice, is not an object considerable enough to the public to prevent the passing so beneficial a Law.

This House do further propose to *dele* the temporary clause because they can see no justice in substituting for a perpetual allowance which is now annexed to the office by the fee Bill of 1648 and tho' it be granted that the Chief Justice should at the expiration of three years have recourse to the fee Bill, yet he will then be under the same disadvantage as when he first came into the Province — that is it will be 12 or 18 months before he can receive any reward for his services. If you agree to these amendments please send two of your members to see the same made.

In the upper House 24<sup>th</sup> January 1771.

By order

J. B. Clk.

A Bill to alter the method of working on the roads in the Counties therein mentioned. On motion read the third time and passed. Ordered to be engrossed.

A Bill for ascertaining the boundary Line between the County of Rowan and the Counties of Mecklenburg and Tryon and for appointing Commissioners to run the same. Read the third time and passed. Ordered to be engrossed.

The following Message was sent to the Assembly Viz<sup>t</sup>

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time an Additional Bill to an Act Intituled an Act to regulate Elections &c<sup>a</sup> in the clause relative to New Bern, We observe you have *steted* the following words *deled* by us Viz<sup>t</sup> or such part of a Lot adjoining the Rivers Neuse or Trent which hath twenty feet front on some one of the streets in the said Town and propose to have it *deled* to which if you agree please to send some of your Members to see it done.

24<sup>th</sup> January.

By order

J. B. Clk.

Received from the Assembly the following Message Viz<sup>t</sup>

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this day relative to the Bill before you, for granting a salary to the Chief Justice, We concur with you in allowing six hundred pounds p. annum and fifty pounds p. Court and send Mr Fanning and Mr Benj. Person two of our Members to see the same made.

This House do not consent to *dele* the temporary clause yet are very sensible of the loss the Chief Justice may sustain in receipt of fees for a considerable time should the Chief Justice's Salary at the expiration of the time for which the Bill is found be discontinued, and be obliged to revert to the fee Bill passed in 1748, But this House are of opinion that the salary will hereafter be continued; should the contrary happen, We doubt not but a suitable compensation will be made to prevent an injury by the temporary suspension proposed by the Bill before your Honors; with which confidence in the Justice of future Assemblys We are hopeful that the Bill will pass as being an exceeding eligible temporary expedient to remove the prevailing prejudices of the Inhabitants of this Colony against taxing of Fees on suits.

R<sup>d</sup> CASWELL, Speaker.

By order J. GREEN, Clk.  
In the Assembly 24<sup>th</sup> January 1771.

Then the said alteration agreed to was made in the Bill in presence of the Members sent for that purpose, and the Bill was read the third time and passed. Ordered to be engrossed.

Then the House adjourned till 10 o'clock tomorrow morning.

Friday Morning 25<sup>th</sup> January 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly the following Message Viz<sup>t</sup>

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this day regarding an additional Bill to an Act Intituled an Act to regulate Elections &c<sup>a</sup> This House agree to *dele* the words by you proposed and send Mr Jacob Blount and Mr Christo Neale to see the same done.

R<sup>d</sup> CASWELL, Speaker.

By order J. GREEN, Clk.  
In the Assembly 24<sup>th</sup> January 1771.

Then the alteration agreed to was made in presence of the Members sent for that purpose and the Bill was read the third time and passed. Ordered to be engrossed.

Received from the Assembly the following Resolve viz<sup>t</sup>

In the Assembly 24<sup>th</sup> January 1771

Resolved, That Hugh Beaty be allowed fifteen pounds and David Brown one pound five shillings, out of the sinking fund, it being made appear to this House that the said Beaty and Brown lost proclamation money to that amount by fire which was entirely destroyed and that the Treasurers or one of them pay the same and be allowed in their Accounts with the Public.

R. CASWELL, Speaker.

By order J. GREEN, Clk.

In the upper House 25<sup>th</sup> January 1771. Concured with  
J. HASELL, P.

By order J. BURGWIN, Clk.

Received from His Excellency the Governor the following message, Viz<sup>d</sup>,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

I send you herewith an extract of a letter from Sir William Johnston to His Majestys Secretary of State and also an extract of a conference held by Sir William Johnston with the six nations of Indians, their Allies and Confederates at the German flats last July ---- These will fully inform you of the complaints made by the Indians of the abuses and violences committed by the Traders and Frontier Inhabitants of some of His Majestys American Colonies, and will likewise point out to you how earnest the Indians have been in those Complaints and what is likely to happen if they are not redressed; In consequence of which I have it in command from the King to represent this matter in the strongest manner to your consideration; I therefore earnestly request you will fall on some means of putting Indian Affairs especially on the borders of this Province under such Regulations as may have the effect to prevent those abuses of the Trade and those violences and encroachments of the Frontier Inhabitants which is so much complained of by the Indians.

W<sup>m</sup>. TRYON.

NEWBERN 25<sup>th</sup> January 1771.

Received from the Assembly a Bill for securing and preserving the Titles of the Freeholders in this province. On motion read the first time and passed.

Received from the Assembly a Bill for dividing the Northern part of Rowan County and erecting a new County and Parish by the name of Surry County and St Judes Parish. On motion read the first time and passed.

Received from the Assembly a Bill for securing and preserving the Titles of the Freeholders in this Province. Read the second time and passed.

Received from the Assembly the following Resolve, Viz<sup>t</sup>,

In the Assembly 25<sup>th</sup> January 1771.

John Burgwin Esquire having in pursuance of a Resolve of last Session of the Assembly of this Colony at a great expence and trouble in sending of Express to different parts of this Government and collecting of a compleat list of Taxables from the several Counties of this Province down to the present time and other papers, public transcripts and vouchers specifying the delinquent sheriffs and their securities and other public collectors and defaulters of unaccounted monies, and with unwearied application, great skill and much accuracy and exactness exhibited to this House a methodical regular and plain state of the Public Accounts of this Province so far as relates to the collection of Taxes in the Southern District, and the duty on spirituous liquors imported into the several Ports within this Province and he having engaged to go to Halifax and to continue his pursuit in making a similar state of the Taxes collected on which ought to have been collected by the several Sheriffs of the respective Counties in the Northern District and to have the same published under his particular direction and inspection, and copies thereof transmitted to the different Counties in this Province.

Resolved, that for such the said John Burgwin's great trouble and expences and singular services thereby rendered the public, He be allowed out of the Public Treasury of this Province three hundred pounds.

Resolved, that all real future necessary expences that may be incurred in printing and publishing six hundred copies of the state of the public accounts and the different Funds shall be allowed to him as a Claim on the Public.

R. CASWELL, Speaker.

By order J. GREEN, Clk.



In the upper House 25<sup>th</sup> January 1771. Concurred with  
J. HASELL, P.  
By order J. BURGWIN, Clk.

Received from the Assembly by Mr Knox and Mr Lock the following Bills, Viz<sup>t</sup>,

A Bill to regulate the issuing of Marriage Licences. On motion read the first time and passed.

A Bill for dividing the northern part of Rowan County &c<sup>a</sup>. Read the second time and passed.

A Bill for authorizing Presbyterian Ministers to solemnize the rites of matrimony &c<sup>a</sup>. Read the first time and passed.

A Bill for securing and preserving the titles of the freeholders in this Province. Read the third time and passed. Ordered to be engrossed.

Received from the Assembly the following Bills, Viz<sup>t</sup>,

A Bill to regulate the issuing of Marriage Licences. Read the second time and passed.

A Bill to authorize Presbyterian Ministers to solemnize the rites of matrimony. Read the second time and passed.

A Bill for dividing the northern part of Rowan County and erecting a new County and Parish by the name of Surry County and St Johns Parish. Read the second time and passed.

A Bill for securing and preserving the titles of the Freeholders in this Province. Read the third time and passed. Ordered to be engrossed.

Received from the Assembly the following Bills, Viz<sup>t</sup>,

A Bill to regulate the issuing of Marriage Licences. Read the second time and passed.

A Bill to authorize Presbyterian Ministers to solemnize the rites of matrimony. Read the second time and passed.

A Bill for dividing the northern part of Rowan County and erecting a new County and Parish by the name of Surry County and St Judes Parish. Read the third time and passed. Ordered to be engrossed.

Received from the Assembly, A Bill for authorizing Presbyterian Ministers regularly called to any congregation within this Province &c<sup>a</sup>. Read the third time and passed. Ordered to be engrossed.

A Bill to regulate the issuing of Marriage Licences. Read the third time and passed. Ordered to be engrossed.

Then on motion His Excellencys Message relative to the Indian Affairs was taken under consideration, and ordered that the following Answer be sent to His Excellency, Viz<sup>t</sup>,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN GENERAL,  
GOVERNOR &c<sup>a</sup>,

SIR,

We have received your Excellencys Message of this day accompanied with an extract of a letter from Sir W<sup>m</sup> Johnston to His Majestys Secretary of State and also an extract of a Conference held by Sir W<sup>m</sup> Johnston with the Six Nations of the Indians at the German flats in July last, by which we are informed of abuses and violences committed upon the Indians by the Traders and Frontier Inhabitants of some of His Majestys American Colonies—We have no doubt but that the complaints of the Indians are well founded, tho' we have not yet heard that the Traders and Frontier Inhabitants of this Province in particular are involved in the said complaints of the Indians, nevertheless to prevent the mischiefs pointed out by your Excellency, and to answer His Majestys expectations in every thing that may fall within our power, We assure your Excellency that we will concur in any measure that may be adopted to give satisfaction to the Indians in the subject matter contained in your Excellencys Message.

J. HASELL, P.

In the upper House 25<sup>th</sup> January 1771.

By order J. B., Clk.

Then the House adjourned till 10 °Clock tomorrow morning.

Saturday Morning January 26<sup>th</sup> 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Hewes and Mr Macknight the Report of the Committee of Accounts agreed to by the Assembly, Read and concurred with 26<sup>th</sup> January 1771.

J. HASELL, P.

Received from the Assembly by Mr Person and Mr Polk the estimate of the Assembly, which was on Motion read and concurred with.

Read the estimate of this House, approved of and sent to the Assembly for concurrence.

Sent to the Assembly the Reports of the Committees of Accounts and claims concurred with and,

Received from the Assembly the estimate of this House Concurred with.

Received from the Assembly the following Resolves

In the Assembly 26<sup>th</sup> January 1771.

Resolved that Rob<sup>t</sup> Howe Esq<sup>r</sup> be allowed the sum of eight pounds for a negro man, condemned and executed for murder and appraised according to Law,

R<sup>d</sup> CASWELL, Speaker.

In the upper House 26<sup>th</sup> January 1771. Concurred with

J. HASELL, P.

In the Assembly 26<sup>th</sup> January 1771.

Resolved that Mr Griffith Rutherford be allowed the sum of six pounds five shillings and six pence being in lieu of so much paid into the Committee of Accounts through mistake and burnt by them to be paid out of the sinking fund.

R. CASWELL, Speaker.

By order JAS. GREEN, Clk.

In the upper House 26<sup>th</sup> January 1771. Concurred with

J. HASELL, P.

By order J. B., Clk.

Rec<sup>d</sup> from His Excellency the Governor the following Message, Viz<sup>t</sup>,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

I send you His Majesty's most Gracious Speech to both Houses of Parliament on the 13<sup>th</sup> of Nov. last; you will collect from the tenor and firmness of this Speech that the issue of the apprehensions of a War are doubtful. However by my public dispatches received since the opening of this Session, I am assured there is good ground to hope the event will correspond with His Majesty's uniform wishes to preserve the public tranquillity, but lest the contrary should be the case, You cannot be too early in your consideration of what may be necessary for the protection and defence of this Province.

On the part of the Crown I am assured that the British possessions in America will be a principal object of His Majesty's care and attention.

W<sup>m</sup>. TRYON.

26<sup>th</sup> Jan<sup>y</sup> 1771.

Then the same was read and considered and ordered that the following message be sent to His Excellency, Viz<sup>t</sup>,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

We return your Excellency our hearty thanks for communicating to us His Majestys most Gracious Speech to both Houses of Parliament. We with concern observe that the apprehensions of a War are not yet subsided, And shall most heartily concur with every measure for the protection and defence of this Province and with gratitude acknowledge His Majesty's Paternal care and attention for His American Colonies.

By order

J. B., Clk.

In the upper House 26<sup>th</sup> Jan<sup>r</sup> 1771.

Then His Excellency the Governor was pleased to command the immediate attendance of the upper and lower House of Assembly in the Council Chamber when they accordingly attended, and the Speaker presented to His Excellency for his Assent the following Acts, Viz<sup>t</sup>,

17. An Act granting a Salary to the Chief Justice.

18. An Additional and explanatory Act to an Act Intitled an Act for regulating Several Officers fees within this Province and ascertaining the method of paying the same.

19. An Act to ascertain Attornies fees.

20. An Act for the more speedy recovery of all debts and demands under five pounds proclamation money,

21. An additional Act to an Act Intitled an Act for defraying the contingent charges of government.

22. An Act indemnifying the several Sheriffs who have not collected the 3s. Tax on the sinking fund, &c<sup>a</sup>.

23. An Act to direct Sheriffs in levying Executions and in the disposal of lands, goods and chattels taken thereon.

24. An Act to encourage and support the establishment of a Post Office.

25. An Act to amend and continue an Act for facilitating the navigation of Port Bath &c<sup>a</sup>.

26. An Act for the more advantageous and easy manner of obtaining partitions of lands in coparcenary, joint tenancy, and tenancy in common.

27. An Act for securing and preserving the Titles of Freeholders in this Province.

28. An Act to regulate the issuing of Marriage Licences.

29. An Act for authorizing Presbyterian Ministers to solemnize the rites of Matrimony.

30. An Act to enlarge the time for several Sheriffs to settle their Accounts with the Justices of the Inferior Courts of the Counties therein named.

31. An Act for further continuing an Act for the restraint of Vagrants.

32. An Act to prevent card playing and other deceitful gaming.

33. An Act for establishing Guilford County and Unity Parish.

34. An Act for establishing Chatham County and St Bartholomew Parish.

35. An Act for erecting Surry County and St Judes Parish.

36. An Act for ascertaining the boundary line between the County of Rowan and the Counties of Mecklenburg and Tryon.

37. An Act to amend an Act Intituled an Act to empower the Inferior Courts of the several Counties in this Province to order the laying out of public roads, &c.

38. An Act for altering the method of working on the roads in Brunswick and Bladen Counties.

39. An Act for the better settling, regulating and improving the Town of Beaufort &c<sup>a</sup>.

40. An Act for vesting the School House in Edenton in Trustees &c<sup>a</sup>.

41. An Act for obtaining a true and distinct list of taxables in the Town of New Bern &c<sup>a</sup>.

42. An Act for appointing commissioners for building a gaol in New Bern.

43. An Act to prevent the unreasonable destruction of Fish in the Rivers of Roanoke and Dan and other water courses therein mentioned.

44. An Act for appointing William Moore to collect the Taxes for Tryon County for the year 1768.

To which Acts His Excellency was pleased to give his assent and the same were accordingly ratified in General Assembly at which time the following Bills were rejected viz<sup>t</sup>,

Then His Excellency was pleased to prorogue this Assembly by proclamation until the ---- day of ----- next.

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[ In the Lower House of Assembly — Continued from page 346.]

Tuesday January 1<sup>st</sup> 1771.

The House met according to adjournment

On motion ordered the Bill to prevent hunting for, and killing deer in the manner therein mentioned be read the third time. Read the same the third time, amended, passed and ordered to be sent to the Council.

Sent by Mr M<sup>c</sup>Kinnie and Mr Rutherford.

Rec<sup>d</sup> from the Council the Resolve of this House of yesterday for empowering his Excellency to draw on the Treasurer or either of them for a sum not exceeding £500 proc money &c<sup>a</sup>.

In the upper House December 31<sup>st</sup> 1770. Concurred with

J. HASELL, P. C.

On motion Ordered the following message be sent to his Excellency the Governor.

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL, GOVERNOR, &c<sup>a</sup>,

SIR,

This House have Resolved that your Excellency be empowered to draw on the Treasurer or either of them for a sum not exceeding £500 which they are directed to pay out of any monies they may have in their hands, and which your Excellency is requested to apply towards the payment of any necessary expences you have been or may be at in counteracting the wicked designs of the insurgents; a copy of which we herewith send and desire your Excellency's assent thereto.

R. CASWELL, Sp.

Sent by Mr Jacob Blount and Mr Jas. Blount.

Mr Rutherford moved for leave to present a Bill for erecting the Northern part of Rowan County into a separate and distinct County and Parish by the name of ----- County and ----- Parish.

Ordered he have leave accordingly.

Mr Rutherford presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr M<sup>c</sup>Kinnie and Mr Rutherford.

Mr Rutherford moved for leave to bring in a Bill for erecting the Western part of Rowan County into a separate and distinct County and Parish by the name of ----- County and ----- Parish.

Ordered he have leave accordingly.

Mr Rutherford presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr M<sup>c</sup>Kinnie and Mr Rutherford.

On motion ordered that Messrs. Nash, Person, Harnett, Mau. Moore and Fanning be appointed a Committee to prepare and bring in a Bill to provide an adequate salary for the Chief Justice.

On motion ordered, Messrs. Nash, Montfort, Johnston, Fanning, Hewes, Mau. Moore, and Macknight be a Committee to prepare and bring in a Bill to regulate the practice of the Court of Chancery.

On motion ordered the Bill for an addition to and amendment of an Act Intituled an Act for appointing a Militia be read a third time. Read the same the third time passed and ordered to be sent to the Council.

Sent by Mr M<sup>c</sup>Kinnie and Mr Rutherford.

On motion ordered the Bill for erecting part of Johnston, Orange and Cumbererland Counties into a separate and distinct County by the name of Wake County and St Margarets Parish be read the third time. Read the same the third time amended and passed and ordered to be sent to the Council.

Sent by Mr M<sup>c</sup>Kinnie and Mr Rutherford.

Rec<sup>d</sup> from His Excellency the Governor the Resolve of this House of yesterday for empowering His Excellency to draw on the public Treasurers for a sum not exceeding £500 &c<sup>a</sup>. Endorsed New Years day 1771.

Concurred with.

W<sup>m</sup>. TRYON.

Also the following Message to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return your Resolve, Concurred with, empowering me to draw on the public Treasurers for a sum not exceeding £500 to be applied to the purposes therein mentioned.

W<sup>m</sup>. TRYON.

The Honble John Sampson and Martin Howard Esquires two of the Members of the Council came to the House, and Edmundson Sam<sup>l</sup> Smithwick one of the Members of Tyrril County was qualified

by taking the several oaths by Law appointed for the qualification of public officers by repeating and subscribing the Test.

On motion ordered the Bill for granting to His Majesty the sum of £100,000 proclamation money to be imposed levied and applied in manner and purposes therein after mentioned, be read the second time. Read the same the second time and rejected.

Rec<sup>d</sup> from the Council the following Bills,

The Bill to direct Sheriffs in levying executions and disposal of lands goods and chattels taken thereon.

The Bill to ascertain what fences are sufficient.

The Bill for erecting the Southern part of Orange County into a separate County and Parish by the name of ----- County and ----- Parish. In the upper House read the first time and passed.

The Bill for vesting the School House in Edenton in Trustees.

The Bill for the restraint of vagrants and for making provision for the poor, In the upper House read the second time and passed.

The order of the day being read, Resolved the Committee of the whole House sit tomorrow.

Then the House adjourned till tomorrow morning 10 °Clock.

Wednesday 2<sup>d</sup> January 1771.

The House met according to adjournment.

On motion ordered the Bill for appointing Commissioners for erecting and building a Court House, prison and stocks for the County of Tryon, be read the second time. Read the same the second time amended passed and ordered to be sent to the Council.

Sent by Mr Polk and Mr Neale.

Mr Fanning from the Committee appointed to prepare and bring in a Bill to establish a public seminary in the Western part of this Province, presented the same which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Polk and Mr Thos Neill.

The Honble William Dry and John Sampson Esquire two of the Members of His Majestys Council came to the House and Mr John Skinner one of the Members for Perquimans County, was qualified by taking the Oaths by Law appointed for the qualification of Public officers, and repeating and subscribing the Test.

On motion ordered the Bill for regulating the Town of Salisbury, securing the Inhabitants in their possessions and to encourage the



settlement of the said Town, be read the third time. Read the same the third time amended, passed and ordered to be sent to the Council.

Sent by Mr Polk and Mr Thomas Neill.

Mr Harnett from the Committee of Propositions and Grievances reported as follows That it is their opinion that the several officers in this Province by extorting, exacting and receiving greater fees than the Law allows, is a very great grievance and unless prevented for the future may be of dangerous tendency, this Committee therefore recommend the consideration thereof to this House, and humbly propose that an explanatory Act relative to the fees of the officers in this Province be passed and that the same be ascertained in a plain manner suitable to the understanding of every capacity.

Your Committee also report as their opinion that the taking fees in either House of Assembly on what are called private Bills is a grievance, and not warranted, as your Committee humbly conceive by any Law or custom in this Province.

Your Committee also report as their opinion, that the manner of prosecuting principal debtors and their securities, when all the said parties are in Life, in different Actions altho' bound in one specialty is a very great grievance, and tends only to enhance or increase the fees of Attornies, Clerks and Sheriffs &c<sup>o</sup>, it having also been made appear on oath to this Committee, that Mr Wiley and Mr Pickett the Sheriffs of Mecklenburg and Anson Counties, each of them and their Sureties, have been served with separate Writs on the same Bond. Your Committee therefore refer the same to the consideration of the House.

Your Committee also report that the people known by the name of Regulators (in their opinion) by obstructing the Sheriffs of the Frontier and other Counties in this Province by rescuing the goods taken by distress for public taxes, and the many outrages and riotous proceedings in opposition to the Courts of Justice committed by them, is a real grievance, detrimental to the good order of Society, and manifestly tends to distress the peaceable and loyal subjects of this Province, who are compelled to pay the taxes for the support of Government; and your Committee humbly recommend that the ringleaders of those Insurgents may be compelled by Law to answer for their conduct, and for the future prevented from committing such outrages.

Your Committee also further report, that sundry Sheriffs of the Frontier and other Counties in this Province, having met with obstructions from the people called Regulators in the execution of their office, whereby they have been prevented from settling with the Treasurers within the time by Law appointed; your Committee therefore humbly propose that a further time be allowed such Sheriffs as shall have fairly accounted on Oath, for all the taxes already received by them.

Your Committee further report, as a very great grievance, the public Records of this Province being deposited at the Southern extremity of the same, renders it extremely inconvenient to persons having business to transact in the Secretary's Office; This Committee therefore humbly recommend it to the House, that by resolve or otherwise the Records and papers belonging to that important Office be removed to New Bern, to the end that the many persons having Commissions, letters, testamentary and administration, to obtain from his Excellency the Governor, or copies of Records may more easily have access to the Secretary to countersign or otherwise authenticate the several papers and matters applied for.

Your Committee also humbly propose to the House, that establishing a salary to his Majesty's Chief Justice would be more consistent with the dignity of that important office, than receiving fees on suits commenced in the Superior Courts, by which means the jealousies at present subsisting between the taxing such fees by Bill of cost would be removed.

CORN<sup>o</sup> HARNETT, Chairman.

Which Resolutions being severally read the House concurred therewith.

On motion ordered the Bill for erecting part of the Counties of Halifax and Tyrrel into a County and Parish be read the second time. Read the same the second time, amended passed and ordered to be sent to the Council.

Sent by Mr Slade and Mr Smithwick.

Mr Macknight moved for leave to present a Bill for securing the titles of the freeholders in the Counties of Currituck and Carteret.

Ordered he have leave accordingly.

Mr Macknight presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Slade and Mr Smithwick.

Rec<sup>d</sup> from His Excellency the Governor the following Message, Viz<sup>t</sup>,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Mr Southier waits upon you with the original survey of this Province made by Mr Churton deceased, excepting part of Maritime parts which Mr Southier himself laid down from different surveys which several Gentlemen in the Country have obliged him with.

He also waits on you with distinct plans of all the Towns of note in the Province; these together with the map, he is desirous of having the Honor to present to you. I have therefore only to inform you that the plans of the Towns were taken from actual surveys, consequently attended with much fatigue and expence of travelling, as well as a considerable length of time in performing those services which considerations, and the integrity of the Gentlemen induce me warmly to recommend to your liberality.

W<sup>m</sup> TRYON.

On motion ordered the consideration of the said Message be deferred till Saturday next.

On motion ordered the Bill for preventing tumultuous and riotous Assemblys, for the more speedy and effectually punishing the Rioters, and for restoring and preserving the public peace of the Province, be read. Read the same, passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Edmunds.

Mr Hewes moved for leave to present a Bill to amend and continue an Act, Intituled an Act for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort.

Ordered he have leave accordingly.

Mr Hewes presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Edmunds.

On motion ordered the Bill to appoint Commissioners for finishing the Church in Wilmington, in the room and stead of John Du Bois and George Wakely Esquires deceased be read the second time. Read the same the second time amended, passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Edmunds.

On motion ordered the Bill to amend an Act for appointing sheriffs and directing their duty in office be read a third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Edmunds.

A Bill for the restraint of Vagrants, and making provision for the poor be read the third time. Read the same the third time amended passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Edmunds.

Rec<sup>d</sup> from the Council the following Bills, Viz<sup>t</sup>,

The Bill for erecting the western part of Rowan County into a separate and distinct County and Parish by the name of ----- County and ----- Parish.

The Bill for erecting the northern part of Rowan County into a separate and distinct County and Parish by the name of ----- County and ----- Parish.

The Bill for founding, establishing and endowing of ---- College in ----, In the upper House read the first time and passed.

The Bill for appointing Commissioners for erecting and building a Court House, prison and stocks for the County of Tryon. In the upper House read the second time and passed.

The Bill to prevent hunting for and killing deer in the manner therein mentioned, In the upper House read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill to establish a public ferry across the Yadkin River at the Plantation of James Smith, in Rowan County, be read the second time. Read the same the second time, passed and ordered to be sent to the Council.

Sent by Mr Gibson and Mr Wynns.

On motion Resolved the House resolve itself into a Committee of the whole House to consider the Act of Assembly for regulating Officers fees passed in the year 1748, and chose Mr Joseph Hewes Chairman who being placed in the Chair and some time spent therein, Mr Speaker resumed the Chair, and Mr Chairman reported that the Committee had come to several Resolutions, but not having time to reduce them to form, desired leave to sit again.

Resolved the Committee have leave to sit again tomorrow.

Then the House adjourned till tomorrow morning 10 o'clock.

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Thursday January 3<sup>d</sup> 1771.

The House met according to adjournment.

On motion the following Message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR &c<sup>a</sup>

SIR,

The public Records of the Province being deposited at the southern extremity of the same, renders it extremely inconvenient to persons having business to transact in the Secretarys office. This House therefore humbly request your Excellency will be pleased to direct that the Records and papers belonging to that important office be removed to New Bern, to the end that the many persons having commissions, letters testamentary and administrative, to obtain from your Excellency, may more easily have access to the Secretary to countersign, or otherwise authenticate the several matters and papers applied for. R<sup>d</sup> CASWELL, Speaker.

Sent by Mr Person and Mr Chris. Neale.

Mr Evans moved for leave to bring in a Bill for erecting a Town on the Land of Richard Evans on Tar River.

Ordered he have leave accordingly.

Mr Evans presented the said Bill, which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Gibson and Mr Wynns.

Mr Shepard presented a petition from sundry of the Inhabitants of Carteret County therein praying a stop may be put to the hauling of seins in said County.

Ordered Mr Shepard have leave to prepare and bring in a Bill pursuant to the prayer of the said petition.

Mr Shepard presented the said Bill, which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Gibson and Mr Wynns.

Mr Fanning moved for leave to bring in a Bill for preventing the frequent abuses in taking up and secreting stray horses within this Province.

Ordered he have leave accordingly.

Mr Fanning presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed, and ordered to be sent to the Council.

Sent by Mr Gibson and Mr Wynns.

Mr Nash from the Committee appointed to prepare and bring in a Bill for appointing a salary to the Chief Justice, presented the said Bill, which he read in his place, and delivered in at the Table, where the same was again read passed, and ordered to be sent to the Council.

Sent by Mr Nash and Mr Fanning.

Rec<sup>d</sup> from the Council the Bill for preventing tumultuous and riotous assemblies for the more speedy and effectual punishing the Rioters, and for restoring and preserving the public peace of this Province, In the upper House read the first time and passed.

On motion ordered the Bill to amend an Act for establishing a Town on the Lands of John and W<sup>m</sup>. Russell minors, sons of John Russell dec<sup>d</sup> on the West side of the North West Branch of Cape Fear River near the mouth of Cross Creek by the Name of Campbelton, be read the third time. Read the same the third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Gibson and Mr Wynns.

Rec<sup>d</sup> from the Council the following Bills, Viz<sup>t</sup>,

The Bill to appoint commissioners for finishing the Church in Wilmington in the room and stead of John DuBois and George Wakely Esquires, deceased, In the upper House read the second time & passed.

The Bill to amend an Act, Intituled an Act for appointing Sheriffs, and directing their duty in Office, In the upper House read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill to amend an Act Intituled an Act for the regulation of the Town of Wilmington, be read the second time. Read the same the second time, amended and passed and ordered to be sent to the Council.

Sent by Mr M<sup>c</sup>Ree and Mr Dickson.

On motion a Bill for appointing commissioners for erecting and building a court house prison and stocks for the County of Tryon was ordered to be read the third time. Read the same the third time, passed and ordered to be sent to the Council.

Sent by Mr Dickson and Mr M<sup>c</sup>Ree.

On motion ordered the Bill to appoint Commissioners for building the Church in Wilmington in the room and stead of John DuBois and George Wakely Esquires deceased, be read the third time. Read the same the third time, passed and ordered to be sent to the Council.

Sent by Mr Dickson and Mr M<sup>r</sup>Ree.

Mr Person presented sundry certificates from the County Court of Bute, therein recommending that Stephen Gupton, Gilbert Prince and Willis Jones be exempt from paying public taxes.

Ordered they be exempt accordingly.

Mr Mackilwean presented a certificate from the Court of Dobbs County, therein recommending John Varnam be exempt from the payment of public taxes, and doing public duty.

Ordered he be exempt accordingly.

Mr Cray presented certificates from the Inferior Court of Onslow County, therein recommending Benjamin Harvey and Enoch Godfrey to be exempt from paying public taxes.

Ordered they be exempt accordingly.

Mr James Blount presented a certificate from the County Court of Chowan County, therein recommending William Johnston to be exempt from the payment of public taxes.

Ordered he be exempt accordingly.

Received from the Council the following Bills:

The Bill for appointing a Salary for the Chief Justice.

The Bill to amend and continue an Act for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort.

The Bill to prevent the untimely destruction of Fish in Core Sound, Bogue Sound and the Straights in Carteret County.

The Bill for securing the titles of the freeholders of the Countys of Currituck and Carteret.

The Bill for erecting a Town on the Lands of Richard Evans on Tar River.

The Bill for preventing the frequent abuses in taking up and secreting stray horses in this Province, In the upper House read the first time and passed.

The Bill to establish a public ferry across the Yadkin River at the plantation of James Smith in Rowan County.

The Bill to amend an Act, Intitled an Act, for the Regulation of the Town of Wilmington, In the upper House read the second time and passed.

The Bill for the restraint of vagrants and for making provision for the poor. In the upper House read the third time and passed. Ordered to be engrossed.

The order of the day being read, Resolved the House Resolves itself into a committee of the whole House to consider the Act for regulating Officers fees, passed in the year 1748. The House resolved itself into a committee accordingly, and took under consideration the said Bill; and after some time came to several Resolutions, which Mr Chairman was directed to report to the House.

Then on motion, Mr Speaker resumed the Chair, and Mr Chairman reported as follows Viz<sup>t</sup>,

Resolved that it is the opinion of the Committee that the fee of 3s. to the chief Justice for every Writ and the fee of 6d. for docking the said Writ, the fee of 2s. for a *venire* in every cause, the fee of 1s. for every *Subpoena*, and the fee of 6d. for every rule and order not actually made and entered, the fee of 2s. for every Execution, the fee of 2s. 8d. for taxing every Bill of Cost, the fee of 3s. 8d. for every original attachment (unless the Chief Justice signs it himself) and the fee of 3s. 8d. for every *Scire Facias* are abrogated or obsolete.

Resolved, that it is the opinion of this Committee, that the fee of 3d. to the clerk for proving every right is also obsolete.

Resolved, that it is further the opinion of this Committee that as no Writ of *Venire* issues from the Superior Courts, the fee of 1s. 2d. for that service is obsolete: but observe that as the clerk takes the return of Jurors appointed by the Inferior Courts the service justifies them for receiving the like fee.

Then on motion Resolved that the House concur with the said Resolutions.

The House having received the several reports of the Committee and considering the one which relates to the several fees taxed for the Chief Justice on services formerly literally performed, but by the changes gradually wrought through a considerable lapse of time by different Laws respecting the mode of issuing process and regulating the mode of proceedings in the Superior Courts of this Province become disused and obsolete, though constantly and uniformly charged by all the predecessors of the present Chief Justice, other services or duties of a similar kind being generally substituted in the room or stead of those become obsolete, disused or repealed.



Resolved, that this House have a high and just sense of the integrity and propriety of the present Chief Justice (Mr Howards) official conduct and deportment; and that for the reasons aforesaid he stands, in the opinion of the members of this House, acquitted from every of the least imputation of fraud or injustice, for the receipt of any fees by him, for any of the services referred to in the Report of the Committee.

On motion Resolved, that the House Resolve itself into a Committee of the whole House, to consider the Bill an Additional and explanatory Bill to an Act Intituled an Act for regulating the several officers fees within this Province &c<sup>a</sup>.

The House Resolved itself into a Committee of the whole House accordingly and after some time spent therein came to several resolutions.

Then on motion Mr Speaker resumed the Chair and Mr Chairman reported that the Committee had come to several resolutions, but not having time to reduce them to form desired leave to sit again.

Ordered the said Council have leave to sit again tomorrow.

Then the House adjourned till tomorrow morning 10 o'clock.

Friday January 4<sup>th</sup> 1771.

The House met according to adjournment.

Mr Edmunds moved for leave to present a Bill to relieve certain persons therein mentioned from the payment of public County and Parish taxes.

Ordered he have leave accordingly.

Mr Edmunds presented the said Bill which he read in his place and delivered in at the Table where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Edmunds and Mr Hare.

Mr Hare moved for leave to present a Bill to enable the Sheriff of Beaufort to collect the taxes for the year 1770.

Ordered he have leave accordingly.

Mr Hare presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Edmunds and Mr Hare.

Mr Howe moved for leave to present a Bill for the more advan-

tageous and easy manner of obtaining partitions in Lands in coparcenary, joint tenancy and tenancy in common.

Ordered he have leave accordingly.

Mr Howe presented the same Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Edmunds and Mr Hare.

Mr Harnett moved for leave to present a Bill to empower certain commissioners to stamp and sign debenture Bills to the amount of ---- thousand pounds proc. money, and to exchange the same for the debenture and proc. Bills in circulation in this Province.

Ordered he have leave accordingly.

Mr Harnett presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Edmunds and Mr Hare.

On motion ordered Mr Hadley have leave to absent himself from the service of the House, and that Rotheas Latham have leave to absent himself also till Monday.

The Sergeant at Arms having returned on the Speakers Warrant to him directed as follows, Viz<sup>t</sup>,

“By virtue of the within precept, I have taken into my custody the body of Daniel Duncan, of Orange County, whom I have ready to deliver at the Bar of the House; John Alston not to be found. I also took into custody the body of the within named George Martin, who was laboring under an indisposition which rendered him incapable of traveling, so that it was not in my power to remove him without manifest danger of his life.”

Whereupon the said Daniel Duncan was brought to the Bar of the House, and being examined and no proof appearing against him, Resolved the said Daniel Duncan be discharged, and that he be allowed ten pounds for his expences in coming to and returning from the Assembly.

On motion ordered the following message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House having been informed that Daniel Duncan of Orange County was strongly suspected and charged with making and uttering the counterfeit Bills of this Province, directed the said Daniel Duncan to be brought to the Bar of the House; who being brought

accordingly, and on examination no proof appearing against him, This House have Resolved he be discharged, and that he be allowed ten pounds for his expence in coming to and returning from the Assembly, to be paid by the public Treasurers or one of them out of the contingent fund, and desire your Honors concurrence thereto.

R. CASWELL, Speaker.

Sent by Mr Haywood and Mr Ormond.

On motion ordered the Bill for founding establishing and endowing of Queens College in the Town of Charlotte in Mecklenburg County, be read the second time. Read the same the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Haywood and Mr Ormond.

Rec<sup>d</sup> from the Council the following Bills, Viz<sup>t</sup>

A Bill to enable the Sheriff of Beaufort County to collect the Taxes for the year 1770.

The Bill to impower certain Commissioners to stamp and sign debenture Bills to the amount of ---- thousand pounds proclamation money and to be exchanged for the debenture and proclamation bills in circulation in this Province.

The Bill for the more advantageous and easy manner of obtaining partitions of Land in Coparcenary joint tenancy and tenancy in common, In the upper House read the first time and passed.

Also the following Message,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for an addition to, an amendment of an Act Intituled an Act for appointing a Militia, We propose to add the clause herewith sent: If you can agree thereto, please to send two of your Members to see the same done.

On motion Resolved, that the House agree to the said amendments, and ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this day relative to the Bill for an addition to, and amendment of an Act Intituled an Act, for appointing a Militia, This House agree to the clause by you proposed, and send Mr Knox and Mr Harvey to see the same inserted in the Bill.

R. CASWELL, Sp.

Rec<sup>d</sup> from His Excellency the Governor the following Message, to wit,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Agreeable to your Message of Yesterday I have given orders to the Secretary of the Province forthwith to remove the records and papers belonging to the Secretary's office to New Bern; and have also directed him when that service is performed to deliver in his claim for the expences incurred for such removal and for the safe keeping of the Records, until a proper office is provided by the Public for the same.

January 4<sup>th</sup> 1771.

W<sup>m</sup> TRYON.

On motion ordered the Bill for the more easy and speedy recovery of small debts be read the third time. Read the same a third time amended passed, and ordered to be sent to the Council.

Sent by Mr Haywood and Mr Ormond.

The House being informed that Robinson Yorke of Orange County is strongly suspected and charged with making and uttering the counterfeit Bills of this Province,

On motion resolved that the Speaker issue his Warrant for apprehending the said Robinson Yorke and that he be brought to the Bar of the House to answer the said charge, and also for Darby Henly, Francis Thomas Richards, and Henry Pendleton to appear as evidences against the said Robinson Yorke &c<sup>a</sup>.

Mr Jacob Blount presented the affidavit of Dorcas Bathurst setting forth that in the storm of 7<sup>th</sup> September 1769 she lost the sum of £2 10s. in proc. money,

On motion Resolved, that the said Dorcas Bathurst be allowed two pounds ten shillings, and that the same be paid out of the sinking fund by the public Treasurers, or either of them, who shall be allowed the same in the settlement of their accounts with the public.

Ordered the following Message be sent to the Council, Viz<sup>t</sup>,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House have Resolved that Dorcas Bathurst be allowed the sum of £2 10s., she having made it appear that in the storm of the 7<sup>th</sup> September 1769, she lost a sum equal to that in proc. money, which we have directed to be paid her out of the sinking fund and desire your Honors concurrence thereto.

R<sup>d</sup>. CASWELL, Speaker.

This House being informed that Simon Bright Sergeant at Arms to this House, was insulted and obstructed in the execution of his office by William Ussery of Orange County,

On motion Resolved that the Speaker issue his Warrant for apprehending the said William Ussery, and that he be brought to the Bar of this House, to answer the said charge; and that the Sergeant at Arms take with him such assistance (not exceeding five men) as shall be found necessary for effecting the same.

On motion ordered Mr Vail have leave to absent himself from the service of this House.

Then the House adjourned till tomorrow morning 10 °Clock.

Saturday January 5<sup>th</sup> 1771.

The House met according to adjournment.

Mr Fanning moved for leave to present a Bill for rating the several species of Foreign coin therein mentioned, and making the same a tender in all payments.

Ordered he have leave accordingly.

Mr Fanning presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Knox and Mr Gibson.

Mr Gibson moved for leave to bring in a Bill for establishing a Superior Court at Campbelton.

Ordered he have leave accordingly.

Mr Gibson presented the said Bill, which he read in his place, and delivered in at the Table, where the same was again read and rejected.

Rec<sup>d</sup> from the Council the following Bills, Viz<sup>t</sup>

The Bill for rating the several species of Foreign coin therein mentioned and making the same a tender in all payments, In the upper House read the first time and passed.

The Bill for founding, establishing and endowing of Queens College in the Town of Charlotte in Mecklenburg County, In the upper House read the second time and passed.

The Bill for appointing commissioners for finishing the Church in Wilmington in the room and stead of John Du Bois and George Wakely Esquires, deceased.

A Bill for further continuing an Act Intitled an Act for appointing a printer to this Province.

A Bill for appointing Commissioners for erecting and building a Court House, prison and stocks for the County of Tryon.

The Bill for erecting part of Johnston, Cumberland and Orange Counties into a separate and distinct County and Parish by the name of Wake County and St Margarets Parish, In the upper House read the third time and passed. Ordered to be engrossed

Rec<sup>d</sup> from the Council the Resolve of this House for allowing Dorcas Bathurst the sum of two pounds ten shillings.

In the upper House concurred with

J. HASELL, P. C.

On motion ordered the following message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

This House have Resolved that Dorcas Bathurst be allowed the sum of two pounds ten shillings out of the sinking fund, a copy of which we herewith send and desire your Excellency's assent thereto.

R<sup>d</sup> CASWELL, Speaker.

The order of the day being read, Then on motion Resolved the House Resolve itself into a Committee of the whole House to take under consideration the additional and explanatory Bill to an Act Intituled an Act for regulating the several officers fees within this Province.

The House Resolved itself into a Committee accordingly, and after some time spent came to several resolutions, which the chairman was directed to report to the House, then on motion Mr Speaker resumed the Chair and Mr Chairman reported, the Committee had prepared several amendments to the said Bill which he read in his place and delivered in at the Table where the same was again read, agreed to by the House, and ordered to be inserted in the Bill.

Then on motion ordered the said Bill be read with the amendments, Read the same, passed and ordered to be sent to the Council. Sent by Mr Smith and Mr Smithwick.

Then the House adjourned till 10 o'clock Monday morning.

Monday 7<sup>th</sup> January 1771.

The House met according to adjournment.

Mr C. Neale moved to bring in a Bill for appointing Trustees in the room and place of those heretofore appointed by an Act of Assembly passed in the year 1768, Intituled an Act for building a public gaol, and gaolers house for the district of New Bern in the Town of New Bern.

Ordered he have leave accordingly.

Mr. C. Neale presented the said Bill which he read in his place and delivered in at the Table; where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Pryor and Mr Alexander.

On motion ordered the Bill for erecting the northern part of Rowan County into a separate and distinct County and Parish by the name of Surry County and All Saints Parish be read the second time. Read the same the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Locke.

Rec<sup>d</sup> from the Council the Resolve of this House regarding an allowance to Daniel Duncan, In the upper House concurred with.

J. HASELL, P. C.

Mr Fanning presented the petition of sundry inhabitants of Orange County and elsewhere therein praying a stop may be put to the hauling of seins, and making dams across the River Roanoke &c.

Ordered he have leave to prepare and bring in a Bill pursuant to the prayer of the said petitioners.

Mr Fanning presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Knox and Mr Harvey.

On motion ordered the Bill for securing the titles of Freeholders in this Province, be read the second time. Read the same the second time amended passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Locke.

On motion ordered the Bill for erecting the Southern part of Orange County into a separate and distinct County and Parish by the name of Guilford County and St. Bartholomews Parish, be read the second time. Read the same a second time, amended passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Locke.

Rec<sup>d</sup> from the Council the following Bills, to wit,

The Bill for appointing Trustees in the room and place of those heretofore appointed by an Act of Assembly passed in the year 1768, Intituled an Act for building a public gaol and gaolers house for the district of New Bern in the Town of New Bern, In the upper House read the first time and passed.

The Bill for erecting part of Rowan County and part of Orange County into a separate County and Parish by the name of Chatham County and Unity Parish and other purposes, In the upper House read the second time and passed.

The Bill for an addition to an amendment of an Act Intituled an Act for appointing a Militia, In the upper House read the third time and passed with amendments. Ordered to be engrossed.

On motion ordered the Bill for erecting the Western part of Rowan County into a separate and distinct County and Parish by the name of Westmoreland County and St. Jude's Parish, be read the second time. Read the same the second time, amended passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Locke.

Mr Polk moved for leave to present a Bill to enable the several Inferior Courts in this Province to lay a Tax to defray the expence of negroes capitally convicted in their respective Counties.

Ordered he have leave accordingly.

Mr Polk presented the said Bill which he read in his place, and delivered in at the Table, where the same was again read and passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Locke.

Rec<sup>d</sup> from the Council the following Bills,

The Bill to prevent the unreasonable destruction of fish in the Rivers of Roanoke and Dan and other water courses therein mentioned, In the upper House read the first time and passed.

The Bill for erecting part of the Counties of Halifax and Tyrrell into a separate County and Parish, In the upper House read the second time and passed.

On motion ordered the Bill for erecting a Town on the Land of Richard Evans on Tar River be read the second time. Read the same the second time, amended passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Locke.



Received from His Excellency the Governor the two Resolves of this House, for allowing Daniel Duncan £10 and Dorcas Bathurst £2 10s.

Concurred with.

W<sup>m</sup>. TRYON.

Also the following Message, Viz<sup>t</sup>,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY

I return your Resolves for allowing Daniel Duncan the sum of £10 and Dorcas Bathurst the sum of £2 10s. both concurred with.

January 7<sup>th</sup> 1771.

W<sup>m</sup>. TRYON.

On motion ordered the Bill to establish a public Ferry across the Yadkin River, at the plantation of James Smith in Rowan County, be read the third time. Read the same the third time, passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Locke.

On motion ordered the Bill for founding, establishing and endowing of Queen's College in the Town of Charlotte in Mecklenburg County, be read the third time. Read the same the third time amended passed and ordered to be sent to the Council.

Sent by Mr Smith and Mr Smithwick.

On motion ordered the Bill to amend and continue an Act for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort, be read the second time. Read the same a second time amended, passed, and ordered to be sent to the Council.

\* Sent by Mr Smith and Mr Smithwick.

Received from His Excellency the Governor the following Message, to wit,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send you a petition from a large body of the inhabitants of St Luke's Parish, in Rowan County, setting forth the difficulties and oppositions they experience in the exercise of the Established Church and the settlement of a regular minister among them. I am therefore to desire you will comply with their petitions herein transmitted to you, or make such other provision for remedy of the same as shall be judged by you most convenient.

January 7<sup>th</sup> 1771.

W<sup>m</sup>. TRYON.

Then on motion ordered His Excellency's Message, and the petition therein referred to, lay on the Table for consideration.

Rec<sup>d</sup> from the Council the following Bills,

The Bill for securing the titles of the freeholders of this Province.

The Bill for erecting a Town on the Land of Richard Evans, on Tar River, In the upper House, read the second time and passed.

And the Bill to enable the several Inferior Courts in this Province to lay a tax to defray the expence of negroes capitally convicted in their respective counties, In the upper House, read the first time and passed.

On motion ordered the Bill for preventing tumultuous and riotous assemblys, for the more speedy and effectual punishing the Rioters, and for restoring and preserving the public peace of the Province, be read the second time. Read the same the second time, amended passed and ordered to be sent to the Council.

Sent by Mr Smith and Mr Smithwick.

On motion ordered the Bill for appointing a salary for the Chief Justice be read the second time. Read the same a second time, amended passed and ordered to be sent to the Council.

Sent by Mr Smith and Mr Smithwick.

On motion ordered the Bill for rating the several species of foreign coin therein mentioned, and making the same a tender in all payments, be read the second time. Read the same the second time amended passed, and ordered to be sent to the Council.

Sent by Mr Smith and Mr Smithwick.

Then the House adjourned till tomorrow morning 9 o'clock.

Tuesday January 8<sup>th</sup> 1771.

The House met according to adjournment.

On motion ordered the Bill for erecting part of Rowan County and part of Orange County into a separate County and Parish by the name of Chatham County and Unity Parish and other purposes be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Smith and Mr Smithwick.

On motion ordered the Bill to direct Sheriffs in levying Executions and the disposal of lands, goods and chattels taken thereon be read the second time. Read the same the second time, amended passed and ordered to be sent to Council.

Sent by Mr Smith and Mr Smithwick.

Mr Thomson moved for leave to present a Bill for the better settling, regulating and improving the Town of Beaufort, in the County of Carteret, and for annexing Ocracoke Island to the said county.

Ordered he have leave accordingly.

• Mr Thomson presented the said Bill which he read in his place delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr C. Neale.

On motion ordered the Bill for appointing Trustees in the room and place of those heretofore appointed by an Act of Assembly passed in the year 1768, Intituled an Act for building a public gaol, and gaolers house for the district of New Bern, in the Town of New Bern, be read the second time. Read the same the second time, passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr C. Neale.

Mr Eaton moved for leave to present a Bill to ascertain Attornies Fees.

Ordered he have leave accordingly.

Mr Eaton presented the said Bill which he read in his place and delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr C. Neale.

On motion ordered the Bill for securing the Titles of the freeholders in this Province be read the third time. Read the same the third time, amended passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr C. Neale.

On motion ordered the Bill for the more advantageous and easy manner of obtaining partitions of Lands in coparcenary, joint tenancy and tenancy in common be read the second time. Read the same the second time, amended passed and ordered to be sent the Council.

Sent by Mr Howe and Mr Hewes.

On motion Resolved that George Blair be allowed the sum of £112, 10s. being the sum paid in for duties on seventy eight hogsheds of rum imported into Port Roanoke, and afterwards exported to and sold in Virginia, to be paid out of the monies collected for duties on spirituous liquors.

Resolved the following message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a Resolve of this House for allowing the sum of £112, 10s. to George Blair, and desire your Honors concurrence thereto.

R<sup>d</sup> CASWELL, Speaker.

On motion ordered the Bill for erecting part of the Counties of Halifax and Tyrrell into a County and Parish be read the third time, Read the same a third time, amended passed and ordered to be sent to the Council.

Sent by Slade and Mr Smithwick.

Mr Nash moved for leave to present a Bill to prevent frauds in entering up judgments on Bonds, Notes, and other instruments of writing, by virtue of any Warrant or Warrants of Attorney.

Ordered he have leave accordingly.

Mr Nash presented the said Bill which he read in his place, and delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Slade and Mr Smithwick.

On motion ordered the Bill for erecting a Town on the Lands of Richard Evans, be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Slade and Mr Smithwick.

On motion ordered that Mr Knox, Mr Lane, Mr Harnett, Mr Person, and Mr Johnston be a Committee to prepare a Bill to indemnify the several Sheriffs who have not collected the 1s. tax per poll for sinking the £12,000 granted in the year 1760, and the tax of 2s. p. poll for sinking the £20,000, granted in 1761; and to direct such Sheriffs who having received the said taxes to refund the same to the people from whom they received said taxes.

On motion ordered, that Mr Nash, Mr Harnett, Mr Hewes, Mr Macknight, Mr Knox, Mr Benjamin Person, and Mr Stewart be a Committee to prepare a Bill to direct the method hereafter to be observed by Treasurers in keeping the public accounts of this Province.

Then the House adjourned until tomorrow morning 9 o'clock

Wednesday January 9<sup>th</sup> 1771.

The House met according to adjournment.

On motion ordered the Bill to prevent the unreasonable destruction of fish in the Rivers of Roanoke and Dan, and other water

courses therein mentioned, be read the second time. Read the same the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Alston and Mr Smith.

On motion ordered the Bill for preventing the frequent abuses in taking up and secreting stray Horses within this Province, be read the second time. Read the same the second time, amended passed and ordered to be sent to the Council.

Sent by Mr Alston and Mr Smith.

Mr Fanning moved for leave to present a Bill directing the method of recovering all debts and demands in this Province under £5 proclamation money.

Ordered he have leave accordingly.

Mr Fanning presented the said Bill which he read in his place, and delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Pryor and Mr Ward.

On motion ordered the Bill to prevent the untimely destruction of fish in Core Sound Bogue Sound and the Streights in Carteret County be read the second time. Read the same the second time, amended passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Shepard.

Rec<sup>d</sup> from His Excellency the Governor the following Message,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I herewith send you an estimate of the expence of removing my furniture from Cape Fear to the Palace, and also of some disbursements made by me for the public, amounting altogether to £134 6s. which I refer to you for your consideration and allowance.

January 9<sup>th</sup>

W<sup>m</sup>. TRYON.

Then on motion Resolved that His Excellency the Governor be allowed the sum of £134 6s. for his expence of removing his furniture from Cape Fear to the Palace, and also for sundry other disbursements made by him for the public, to be paid by the public Treasurers out of the contingent fund.

Ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a Resolve of this House for allowing His

Excellency the Governor the sum of £134 6s. and desire your Honors concurrence thereto.

R<sup>d</sup>. CASWELL, Sp.

On motion ordered the Bill to enable the Sheriffs of Beaufort County to collect the Taxes for the year 1770, be read the second time. Read the same the second time, amended passed, and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Shepard.

On motion ordered the Bill to enable the several Inferior Courts in this Province to lay a tax to defray the expence of negroes capitally convicted in their respective Counties, be read the second time. Read the same the second time amended passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Shepard.

On motion ordered the Bill for vesting the school house in Edenton in Trustees, be read the third time. Read the same the third time, passed and ordered to be sent to the Council.

Sent by Mr Thomas and Mr Shepard.

Rec<sup>d</sup> from the Council the Bill for preventing tumultuous and riotous Assemblies; for the more speedy and effectual punishing the Rioters; and for restoring and preserving the public peace of the Province, In the upper House, read the second time and passed.

Then the House adjourned till tomorrow morning 10 °Clock.

Thursday January 10<sup>th</sup> 1771.

The House met according to adjournment.

Rec<sup>d</sup> from the Council the following Bills,

The Bill to amend and continue an Act for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort, In the upper House read the second time and passed.

The Bill for founding establishing and endowing of Queens College in the Town of Charlotte in Mecklenburg County, In the upper House read the third time and passed. Ordered to be engrossed.

Mr Gibson moved for leave to present a Bill to amend an Act Intituled an Act, to impower the Inferior Courts of the several Counties in this Province to order the laying out of public roads and establish and settle ferries; and to appoint where bridges shall be built for the use and ease of the Inhabitants of this Province, and to clear navigable Rivers and Creeks.

Ordered he have leave accordingly.

Mr Gibson presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Gibson and F. Campbell.

On motion ordered Mr Edmunds have leave to absent himself from the service of the House.

Rec<sup>d</sup> from the Council the Resolve of this House, of yesterday for allowing his Excellency the sum of £134 6s., In the upper House January 10<sup>th</sup> 1771. Concurred with J. HASELL, P. C.

On motion ordered the following message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

This House have Resolved that the sum of £134, 6s. be paid your Excellency out of the contingent fund; a copy of which concurred with by his Majesty's Council we herewith send; and ask your Excellency's assent thereto.

R<sup>d</sup> CASWELL, Speaker.

Rec<sup>d</sup> from the Council the Bill to prevent frauds in entering up Judgments on Bonds, notes and other instruments of writing by virtue of any warrant or warrants of Attorney, In the upper House read the first time and passed.

On motion ordered the Bill for preventing tumultuous and riotous Assemblies; for the more speedy and effectually punishing the rioters and for restoring and preserving the public peace of the Province be read the third time. Read the same a third time, amended passed and ordered to be sent to the Council.

Sent by Mr Fanning and Mr Macknight.

Rec<sup>d</sup> from the Council the following Bills, to wit,

The Bill for the better settling regulating and improving the Town of Beaufort in the County of Carteret and for annexing Ocacock Island to the said County.

The Bill to amend an Act Intituled an Act to impower the Inferior Courts of the several Counties in this Province to order the laying out of public roads, and establish and settle ferries, &c<sup>a</sup>.

The Bill directing the method of recovering all debts and demands in this Province under five pounds proclamation money, In the upper House read the first time and passed.

The Bill for appointing a salary for the Chief Justice.

The Bill to direct Sheriffs in levying executions, and the disposal of lands goods and chattles taken thereon, In the upper House read the second time amended and passed.

A Bill to ascertain Attorney's Fees, In the upper House read the first time and passed.

Mr Knox from the Committee to prepare a Bill to indemnify the several Sheriffs who have not collected the one shilling tax p. poll for sinking the £12,000 granted in the year 1760; and the tax of two shillings per poll for sinking the £20,000, granted in the year 1761, and to direct such Sheriffs who have received the said taxes, to refund the same to the people from whom they received the said Taxes, presented the said Bill, which he read in his place, and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Skinner and Mr Jones.

Received from the Council the Bill for preventing tumultuous and riotous Assemblies, for the more speedy and effectual punishing the rioters, and for restoring and preserving the public peace of the Province, In the upper House read the third time and passed. Ordered to be engrossed.

Mr Hewes presented the petition of the Honble W<sup>m</sup>. Dry Esq<sup>r</sup> praying that he might be allowed a drawback of the duties paid on rum and spirits, which he has supplied His Majestys Navy.

Resolved, that the said William Dry be allowed a sum equal to the duties on rum and spirits which by vouchers he can make appear, has by him been furnished His Majesty's Ships of War; and that he be allowed the same in the settlement of his collection of the duty on rum and spirituous liquors with the Treasurer of the Southern District.

On motion ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We herewith send a Resolve of this House in favour of the Honble William Dry, for a draw back of the duties paid on rum and spirits, which he has supplied His Majestys navy with, and desire your Honors concurrence thereto.

Received from His Excellency the Governor the Resolve of this House for allowing him the sum of £134 6s, Endorsed January 10<sup>th</sup> 1771. Concurred with.

W<sup>m</sup>. TRYON.



Also the following Message,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return you with my thanks, your Resolve (concurred with) for allowing me the sum of £134 6s. for the purposes therein mentioned.

W<sup>m</sup>. TRYON.

On motion Resolved that the Captain Commandant appointed by His Excellency, and twenty five men, be employed to garrison Fort Johnston; and that the said Captain be allowed ten shillings and eight pence per diem; and that the Garrison be continued under the rules and regulations established by Resolve of the last Session of Assembly, for one year; and from thence to the end of the next session of Assembly.

Ordered the following Message be sent the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a Resolve, the Captain Commandant, appointed by His Excellency, and twenty five men be employed to garrison Fort Johnston, and that the said Captain be allowed ten shillings and eight pence per diem; and that the Garrison be continued under the rules and regulations established by Resolve of the last Session of Assembly, for one year, and from thence to the end of the next Session of Assembly: and desire your Honors concurrence thereto.

R<sup>d</sup> CASWELL, Sp.

Rec<sup>d</sup> from the Council the Bill to indemnify the several Sheriffs who have not collected the one shilling p. poll for sinking the £12,000, granted in the year 1760, and the tax of two shillings p. poll for sinking the £20,000, granted in the year 1761, and to direct such Sheriffs, who have rec<sup>d</sup> the said Taxes, to refund the same to the people from whom they received the said Taxes. In the upper House read the first time and passed.

On motion ordered the Bill for appointing a salary for the Chief Justice be read the third time. Read the same the third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Lane and Mr Dickson.

Rec<sup>d</sup> from the Council the following Bills,

The Bill to prevent the untimely destruction of Fish in Core Sound, Bogue Sound, and the Straits in Carteret County.

The Bill to enable the Sheriff of Beaufort County to collect the Taxes for the year 1770.

The Bill to prevent the unreasonable destruction of fish in the Rivers Roanoke and Dan and other water courses therein mentioned. In the upper House read the second time and passed.

Also the following Message,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

On reading a third time the Bill for securing titles of the freeholders in this Province, We find, that since our second reading, the mode of appointing the persons to examine the copies of the Registers, is altered by you.

We propose to put the same on the same footing it was when we sent it to you. We further propose, that in the last page of the Bill. the word *said* be altered to *respective*, that it may be more consistent: to which Amendments, if you agree, please send two of your members to see them made.

Then the House adjourned till tomorrow morning 9 °Clock.

Friday January 11<sup>th</sup> 1771.

The House met according to adjournment.

Ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of yesterday, relative to the Bill for securing the titles of freeholders in this Province; This House agree to the amendments by you proposed, and send Mr Macknight and Mr Thomas to see the same made.

RICHARD CASWELL, Speaker.

Mr Shepard moved for leave to present a Bill to obtain a true and distinct list of the taxable persons in the Town of New Bern; and to empower the Sheriff to collect the Town taxes due from the inhabitants of the said Town.

Ordered he have leave accordingly.

Mr Shepard presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Lane and Mr Dickson.

On motion ordered the Bill to amend an Act Intituled an Act to impower the inferior Courts of the several Counties in this Province to order the laying out of public roads, and to establish and settle ferries and to appoint where bridges shall be built &c<sup>a</sup> be read the second time. Read the same the second time, amended passed, and ordered to be sent to the Council.

Sent by Mr Gibson and Mr M<sup>c</sup>Ree.

Mr Fanning moved for leave to present a Bill for recovering and appointing fines and forfeitures in certain Counties within this Province.

Ordered he have leave accordingly.

Mr Fanning presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed, and ordered to be sent to the Council.

Sent by Mr Gibson and Mr M<sup>c</sup>Ree.

On motion ordered the Bill directing the method of recovering all debts and demands in this Province under five pounds proc money, be read the second time. Read the same the second time, passed, and ordered to be sent to the Council.

Sent by Mr Gibson and Mr M<sup>c</sup>Ree.

Received from the Council a Bill for securing and preserving the Titles of the Freeholders in this Province, In the upper House read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill to amend an Act Intituled an Act for the regulation of the Town of Wilmington be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Gibson and Mr M<sup>c</sup>Ree.

Rec<sup>d</sup> from the Council the Bill for appointing Trustees in the room and place of those heretofore appointed by an Act of Assembly passed in the year 1768, Intituled an Act for building a public gaol and gaolers house for the district of New Bern in the Town of New Bern, In the upper House read the second time amended and passed.

The Bill to obtain a true and distinct list of taxable persons in the Town of New Bern; and to impower the Sheriffs to collect the Town taxes due from the inhabitants of the said Town, In the upper House read the first time and passed.

Rec<sup>d</sup> from the Council the Resolve of this House yesterday, respecting Fort Johnston, In the upper House concurred with.

J. HASELL, P. C.

On motion ordered the following message to be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

We herewith send your Excellency a Resolve of this House relative to <sup>s</sup>Fort Johnston, with which his Majesty's Council have concurred,<sup>s</sup> and request your Excellency's assent thereto.

R<sup>a</sup> CASWELL, Sp.

Rec<sup>d</sup> from His Excellency the Governor the following message with the papers therein referred to.

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I rec<sup>d</sup> information last Summer in my tour to Charles Town that the South Government have petitioned His Majesty to run a boundary line between the Carolinas agreeable to Lord Charles Montagu's proposal to me<sup>e</sup> in 1768; as his letter with a sketch of the line proposed, herewith<sup>e</sup> sent you will set forth.

As I considered this boundary, if carried into execution, would take a large tract of Country, and great body of Inhabitants of this Province: I not only declined concurring with Lord Charles' proposal, but also wrote to His Majesty's Secretary of State, setting forth my objections at large.

It now remains with you to consider how far such a division will prove prejudicial to this Country, and to make such representations to His Majesty thereon, as you shall think expedient.

My answer to Lord Charles' letters now sent you, will point out the divisional Line I proposed, which would close the boundary between the two Governments.

W<sup>m</sup> TRYON.

• • • January 11<sup>th</sup> 1771.

On motion ordered the said message and papers therein referred to, lie on the Table for consideration.

On motion ordered the Bill for the better settling, regulating and improving the Town of Beaufort, in the County of Carteret and for annexing Oacock Island to the said County be read the second

time. Read the same a second time, amended passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Skinner.

On motion ordered the Bill to enable the Sheriff of Beaufort to collect the Taxes for the year 1770 be read the third time. Read the same a third time passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Skinner.

On motion ordered the Bill for appointing Trustees in the room and place of those heretofore appointed by an Act of Assembly passed in the year 1768, Intitled an Act for building a public gaol and gaolers house, for the district of New Bern in the Town of New Bern, be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Skinner.

Mr Harnett from the Committee to prepare a Bill to direct the method hereafter to be observed by Treasurers in keeping the public Accounts of this Province presented the same which he read in his place and delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Skinner.

Received from His Excellency the Governor the following message, Viz<sup>t</sup>,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

A few hundred Acres of Land, Conveniently situated to the palace would always be extremely useful to the Governor, or Commander in Chief, who shall reside therein, and as Mr Dry has made me an offer of his Land for that purpose to the westward of the Town, between Trent road and Trent River, for the sum of £1,000, to be taken in discharge for so much of a larger sum due from him to the public, I rest with you the expediency of accepting such an offer.

W<sup>m</sup>. TRYON.

January 11<sup>th</sup> 1771.

On motion ordered the said Message lie for further consideration.

On motion ordered the Bill to indemnify the several Sheriffs who have not collected the 1s. tax per poll, for sinking the £12,000 granted in the year 1760, and the tax of 2s. per poll, for sinking the £20,000 granted in 1761, and to direct such Sheriffs who have received the said Taxes to refund the same to the people from whom they received

said taxes, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Skinner.

On motion ordered the Bill to amend and continue an Act for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort, be read the third time. Read the same the third time passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Skinner.

Received from the Council the Resolve of this House of yesterday in favour of the Honblè William Dry Esquire, respecting the duties on rum and spirits &c<sup>a</sup>.

In the upper House, Concurred with.

JAMES HASELL, P. C.

On motion ordered the following Message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN GENERAL,  
GOVERNOR &c<sup>a</sup>,

SIR,

We herewith send your Excellency a Resolve of this House in favour of the Honble William Dry Esquire, Concurred with by His Majesty's Council, and request your Excellency's Assent thereto.

R<sup>d</sup> CASWELL, Sp.

Received from His Excellency the Governor the Resolve of this House of yesterday respecting Fort Johnston.

Concurred with.

W<sup>m</sup>. TRYON.

Also the following Message,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I rec<sup>d</sup> your message and resolve, respecting the Establishment of Fort Johnston, and return to you the latter, Concurred with.

January 11<sup>th</sup> 1771.

W<sup>m</sup> TRYON.

Then the House adjourned till tomorrow morning 10 o'clock.

Saturday January 12<sup>th</sup> 1771.

The House met according to adjournment.

On motion ordered the Bill to prevent the untimely destruction of fish in Core Sound, Bogue Sound, and the Streights in Carteret

County, be read the third time. Read the same a third time amended passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Skinner.

Rec<sup>d</sup> from the Council the Bill for the regulation of the Town of Salisbury, securing the inhabitants in their possessions and to encourage the settlement of the said Town, In the upper House read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill for obtaining a true and distinct list of the taxable persons in the Town of New Bern and to empower the Sheriff to Collect the Town taxes due from the inhabitants of the said Town be read the second time. Read the same the second time, passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Skinner.

Mr Howe moved for leave to present a Bill for the more easy and certain collection of His Majesty's Quit rents in this Province.

Ordered he have leave accordingly.

Mr Howe presented the said Bill which he read in his place and delivered in at the Table where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Howe and Mr Hewes.

Received from the Council the following Bills,

The Bill for recovering and appropriating fines and forfeitures in certain Counties in this Province.

The Bill to direct the method hereafter to be observed by the Treasurers in keeping the public accounts of this Province, In the upper House read the first time and passed.

The Bill for directing the method of recovering all debts and demands in this Province, under five pounds proc. money.

An additional and explanatory Bill to an Act, intituled an Act, for regulating the several officers fees within this Province, and ascertaining the method of paying the same.

The Bill for the more advantageous and easy manner of obtaining partitions of Lands in Coparcenary, joint tenancy and tenancy in common.

The Honble Martin Howard, and Samuel Cornell, Esquires two of His Majesty's Justices, came to the House and Mr Willie Jones, one of the members of Northampton, was qualified by taking the several oaths by Law appointed for the qualification of public officers and repeating and subscribing the Test.

Rec<sup>d</sup> from the Council the Bill for obtaining a true and distinct list of Taxable persons in the Town of New Bern, and to empower

the Sheriff to collect the taxes due from the inhabitants of the said Town, In the upper House read the second time and passed.

On motion ordered the Bill to direct Sheriffs in levying executions and disposal of lands goods and chattels taken thereon be read the third time. Read the same the third time, amended and passed.

Rec<sup>d</sup> from the Council the Resolve of this House for allowing George Blair the sum of £112 10s, In the upper House Concurred with.

J. HASELL, P. C.

On motion Ordered the following message be sent to his Excellency the Governor.

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL, GOVERNOR, &c<sup>a</sup>,

SIR,

We herewith send your Excellency a Resolve of this House for allowing the sum of £112 10s. to George Blair, Concurred with by His Majestys Council, and request your Excellency's assent thereto.

R. CASWELL, Sp.

Sent by Mr Hewes and Mr Willie Jones.

Rec<sup>d</sup> from His Excellency the Governor the Resolve of this House in favour of the Honble William Dry Esquire, respecting the duties on rum and spirits &c<sup>a</sup>.

Concurred with.

W<sup>m</sup> TRYON.

Also the following Message,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return your Resolve, relating to the Honble William Dry Esquire, which I have Concurred with.

W<sup>m</sup> TRYON.

On motion ordered the Bill directing the method of recovering all debts and demands under five pounds proc money be read the third time. Read the same a third time, passed and ordered to be sent to the Council,

Sent by Mr M<sup>c</sup>Kinnie and Mr Evans.

Rec<sup>d</sup> from the Council the following Message,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for appointing Trustees in the room and place of those heretofore appointed by an Act of Assem-



bly passed in the year 1768 Intitled an Act for building a gaol and gaolers house in the district of New Bern, We propose inserting the Honble Robert Palmer's name instead of Richard Blackledge as one of the Commissioners; If you agree thereto, please send two of your members to see the Alterations made.

Ordered the following message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your message of this day relative to the Bill for appointing Trustees in the room and place of those heretofore appointed by an Act of Assembly, passed in 1768, Intitled an Act for building a public gaol and gaolers house for the district of New Bern, this House cannot agree to the alteration by you proposed, therefore hope you will pass the Bill as it went from us.

R<sup>d</sup> CASWELL, Speaker.

Rec<sup>d</sup> from the Council the following Bills,

The Bill to indemnify the several Sheriffs who have not collected the one shilling tax p. poll for sinking the £12,000, granted in the year 1760; and the tax of two shillings p. poll, for sinking the £20,000 granted in the year 1761: and to direct such Sheriffs, who have rec<sup>d</sup> the said taxes, to refund the same to the people from whom they received the said taxes.

The Bill to amend an Act intituled an Act to empower the Inferior Courts of the several Counties in this Province to order the laying out of public roads, and to establish ferries, and to appoint where bridges shall be built for the use and ease of the Inhabitants of this Province, and to clear navigable rivers and creeks.

The Bill for better settling, regulating and improving the Town of Beaufort in the County of Carteret, and for annexing Ocacock Island to the said County, In the upper House read the second time and passed.

The Bill to prevent the unreasonable destruction of fish in Core Sound, Bogue Sound, and the Streights in Carteret County, In the upper House read the third time and passed. Ordered to be engrossed.

Rec<sup>d</sup> from His Excellency the Governor the following Message,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I have ordered to be laid before you two models of Rice Mills invented in this Province, one of them by Mr Gibson, and the other by Mr Jones; and as ingenious Artists seem to claim from the public some reward for their discoveries, I leave it to you what reward may be proper to be given to the inventors of these models, and also, to the persons who shall first construct a rice mill on the plan you best approve.

W<sup>m</sup>. TRYON.

January 12<sup>th</sup> 1771.

Ordered the said message lie for consideration.

Then the House adjourned till 9 o'clock Monday Morning.

Monday January 14<sup>th</sup> 1771.

The House met according to adjournment.

On motion ordered the Bill for obtaining a true and distinct list of taxable persons in the Town of New Bern, and to empower the Sheriffs to collect the Town taxes due from the inhabitants of the said Town, be read the third time, Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Shepard and Mr Dickson.

On motion ordered the Bill to amend an Act Intituled an Act to empower the Inferior Courts of the several Counties of this Province to order the laying out of public roads and to establish and settle ferries, and to appoint where bridges shall be built, for the use and ease of the inhabitants of this Province, and to clear navigable rivers and creeks, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Shepard and Mr Dickson.

On motion ordered the Bill for the better settling, regulating and improving the Town of Beaufort in the County of Carteret, and for annexing Ocacock Island to the said County, be read the third time. Read the same a third time, amended passed and ordered to be sent to the Council.

Sent by Mr Shepard and Mr Dickson.

On motion ordered the Bill for recovering and appropriating fines and forfeitures in certain Counties within this Province, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Shepard and Mr Dickson.

On motion ordered the Bill to prevent the unreasonable destruction of fish in the Rivers Roanoke and Dan, and other water courses therein mentioned, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Pryor and Mr Lewis.

Mr Macknight moved for leave to prepare and bring in a Bill for regulating, explaining and ascertaining the fees of the Chief Justice, the Clerk of the Crown, and Public Registers; which being objected to, the question was put, and passed in the Negative.

Then on motion the Yeas and Nays to the said question be taken and are as follows:

*Yeas*—Messrs Macknight, Harnett, Dunn, Brownrigg, Rutherford, Dickson, Jacob Blount, Johnston, Evans, Stewart, Skinner, Howe, James Blount, Thomson, Jn<sup>o</sup> Campbell, Tho<sup>s</sup> Neill, M<sup>s</sup>Swain, Fanning, Davis, Edw<sup>d</sup> Hare, Locke, Knox, Cray, Ward, Wynns.

*Nays*—Messrs Alexander, Polk, William Relfe, Haywood, Robinson, M<sup>o</sup>Ree, White, Gibson, Woodhouse, Bonner, Pryor, Lewis, Slade, Herring, W<sup>m</sup> Moore, Smithwick, L. Lockhart, M<sup>c</sup>Kinnie, Sugg, Moses Hare, C. Neale, Jarvis, Benjamin Person, Lane, Mackilwean, Tho<sup>s</sup> Person, F. Campbell, Thomas Relfe, Shepard and Latham.

On motion ordered the said Motion and Votes be printed in the *Public Gazette*.

Rec<sup>d</sup> from the Council the following Bills,

The Bill to amend an Act Intituled an Act to impower the Inferior Courts of the several Counties in this Province, to order the laying out of public roads, and establish and settle ferries &c<sup>a</sup>

The Bill to prevent the unreasonable destruction of fish in the Rivers Roanoke and Dan and other water courses therein mentioned.

The Bill for appointing Trustees in the room and place of those heretofore appointed by an Act of Assembly passed in the year 1768, intituled an Act for building a public gaol and gaolers house, for the district of New Bern in the Town of New Bern.

The Bill for obtaining a true and distinct list of taxables in the Town of New Bern, and to impower the Sheriff to collect the taxes due from the inhabitants of the said Town, In the upper House read the third time and passed. Ordered to be engrossed.

Mr Rutherford moved for leave to present a Bill for ascertaining the boundary line between the county of Rowan and the counties of Mecklenburg and Tryon, and for appointing commissioners to run the same.

Ordered he have leave accordingly.

Mr Rutherford presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Howe and Mr Davis.

Mr Dunn moved for leave to present a Bill for the more easy and effectual method of collecting the taxes in the counties therein mentioned.

Ordered he have leave accordingly.

Mr Dunn presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Howe and Mr Davis.

Mr Dunn moved for leave to present a Bill to enable the Commissioners heretofore appointed to build a prison, pillory and stocks for the district of Salisbury, to compleat the same and to discharge the several contracts by them made for materials for erecting the said prison, pillory and stocks.

Ordered he have leave accordingly.

Mr Dunn presented the said Bill, which he read in his place and delivered in at the Table where the same was again read and rejected.

Mr Howe moved for leave to present a Bill to alter the method of working on the roads in the counties therein mentioned.

Ordered he have leave accordingly.

Mr Howe presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Howe and Mr Davis.

On motion ordered the Bill for ascertaining Attorneys fees be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Howe and Mr Davis.

Rec<sup>d</sup> from the Council the following message,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

On reading a third time the Bill to direct Sheriffs in levying executions, and the disposal of land, goods and chattels taken thereon, We propose the word *shall* be altered to the word *may* and the clause relative to the appeals be *stetcd*, and the following clause be added, Viz<sup>t</sup>, " Provided also that lands shall not be taken on any

execution, where there shall be goods and chattels sufficient to satisfy the same."

If your House agree to those amendments please send two of your members to see the same done.

On motion ordered the following message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House agree to the additional clause proposed by you, to be added to the Bill to direct Sheriffs in levying executions and the disposal of lands goods and chattels taken thereon, but cannot agree to *set* the clause relative to appeals, as it may be productive of delay, nor can we recede from retaining the word *shall*, proposed by you to be altered to the word *may*, as things taken upon execution would by that means be left at large, and neither belong to Plaintiff or Defendant. We cannot conclude without adding, that the critical situation of this Country renders the passing this Act essential; and therefore persuade ourselves it will meet with your Honors concurrence, in which case two of our members shall attend to see the clause you propose added to the Bill.

R. CASWELL, Speaker.

Sent by Mr Pryor and Mr T. Person.

On motion ordered the Bill to prevent frauds in entering up Judgments on bonds, notes, and other instruments of Writing, by virtue of any Warrant or Warrants of Attorney be read the second time. Read the same the second time, passed and ordered to be sent to the Council.

Sent by Mr Gray and Mr C. Neale.

Mr Fanning moved for leave to present a Bill for erecting a new County between the Towns of Salisbury and Hillsborough by taking part of the Counties of Rowan and Orange.

Ordered he have leave accordingly.

Mr Fanning presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed, and ordered to be sent to the Council.

Sent by Mr Gray and Mr C. Neale.

Rec<sup>d</sup> from the Council the following Bills,

The Bill for the more easy and effectual method of collecting the taxes in the Counties therein mentioned.

The Bill for ascertaining the boundary line between the County of Rowan and the Counties of Mecklenburg and Tryon.

The Bill to alter the method of working on the roads in the Counties therein mentioned, In the upper House read the first time and passed.

Mr Howe moved for leave to present a Bill for establishing two loan offices in this Province.

Ordered he have leave accordingly.

Mr Howe presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Hare and Mr Smithwick.

Mr Willie Jones moved for leave to present a Bill for establishing a new County between Campbelton and Hillsborough, by taking the Southern part of the Inhabitants of Orange County, and by erecting the same, into a distinct County and Parish by the name of ----- County and ----- Parish.

Ordered he have leave accordingly.

Mr Jones presented the said Bill, which he read in his place, and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Hare and Mr Smithwick.

Rec<sup>d</sup> of his Excellency the Governor the Resolve of this House of the 8<sup>th</sup> Instant for allowing George Blair one hundred and twelve pounds ten shillings. Concurred with.

W<sup>m</sup> TRYON.

Also the following Message,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY

I return you your Resolve allowing the sum of £112 10s. to George Blair, Concurred with.

W<sup>m</sup>. TRYON.

On motion ordered the Bill to establish Inferior Courts of pleas and quarter Sessions in the several Counties in this Province, be read the second time. Read the same the second time amended passed and ordered to be sent to the Council.

Sent by Mr Hare and Mr Smithwick.

Rec<sup>d</sup> from the Council the following Bills,

The Bill for erecting a new County between the Towns of Salisbury and Hillsborough, by taking part of the Counties of Rowan and Orange, In the upper House read the first time and passed.

The Bill to prevent frauds in entering up Judgments on Bonds, notes and other instruments of writing by virtue of any warrant or warrants of Attorney, In the upper House read the second time and passed.

The Bill to ascertain Attorneys fees, In the upper House read the second time and passed.

Mr Nash moved for leave to present a Bill for appointing fees for such persons as the Governor or Commander in Chief for the time being shall create Master of the Rolls.

Ordered he have leave accordingly.

Mr Nash presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr M<sup>c</sup>Kinnie and Mr Wynns.

Mr M<sup>c</sup>Kinnie moved for leave to present a Bill to prevent Card playing and other deceitful gaming.

Ordered he have leave accordingly.

Mr Person presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr M<sup>c</sup>Kinnie and Mr Wynns.

On motion ordered the Bill for the more easy and certain collection of His Majestys Quit rents in this Province be read the second time. Read the same the second time, passed and ordered to be sent to the Council.

Sent by Mr Hare and Mr Smithwick.

Mr Howe moved for leave to present an additional Bill to an Act to regulate the elections for Members to serve in the General Assembly, and to ascertain who shall be qualified to vote at the said Elections, or to be elected a Member of General Assembly; and to direct the method to be observed in taking the poll at the several Elections in the Counties and towns in this Province.

Ordered he have leave accordingly.

Mr Howe presented the said Bill which he read in his place and delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Hare and Mr Smithwick.

Then the House adjourned till tomorrow morning 9 o'clock.

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Tuesday January 15<sup>th</sup> 1771.

The House met according to adjournment.

On motion ordered the Bill to prevent frauds in entering up Judgments, Bonds, Notes and other instruments of Writing, by virtue of any Warrant or Warrants of Attorney, be read the third time. Read the same a third time, amended passed and ordered to be sent to the Council.

Sent by Mr M<sup>c</sup>Kinnie and Mr Wynns.

On motion ordered the Bill for erecting a new County between the Towns of Salisbury and Hillsborough by taking part of the Counties of Rowan and Orange, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Hare and Mr Smithwick.

On motion ordered Mr Davis have leave to absent himself from the service of the House after this day.

On motion, ordered the Bill to direct the method hereafter to be observed by the Treasurers in keeping the public Accounts of this Province, be read the second time. Read the same the second time, passed, and ordered to be sent to the Council.

Sent by Mr Locke and Mr W<sup>m</sup> Moore.

On motion ordered the Bill for ascertaining the Boundary Line between the County of Rowan and the Counties of Mecklenburg and Tryon, and for appointing Commissioners to run the same, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Locke and Mr W<sup>m</sup> Moore.

On motion ordered the Bill to enlarge the time for several Sheriffs to settle their Accounts with the Justices of the Inferior Courts of pleas and quarter Sessions of the counties therein mentioned, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Locke and Mr W<sup>m</sup> Moore.

On motion ordered the Bill to ascertain Attornies fees, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Locke and Mr W<sup>m</sup> Moore.

Received from the Council the following Bills, to wit,

The additional Bill to an Act to regulate Elections for Members to serve in the General Assembly, and to ascertain who shall be qualified to vote at the said Elections, or to be Elected a Member of the



General Assembly, and to direct the method to be observed in taking the poll &c<sup>a</sup>.

The Bill for establishing a new County between Campbelton and Hillsborough, by taking the southern part of the inhabitants of Orange County, and by erecting the same into a distinct County &c<sup>a</sup>.

The Bill to prevent card playing and other deceitful gaming, In the upper House read the first time and passed.

The Bill for erecting a new County between the Town of Salisbury and Hillsborough &c<sup>a</sup>.

The Bill for the more easy and certain collection of his Majestys Quit Rents in this Province, In the upper House read the second time and passed.

Mr Fanning moved for leave to present a Bill for erecting part of the inhabitants of the County of Orange, to the northward of the Town of Hillsborough, into a separate and distinct County by the name of ----- County and ----- Parish.

Ordered he have leave accordingly.

Mr Fanning presented the said Bill which he read in his place and delivered in at the Table where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Pryor and Mr Thos. Person.

Rec<sup>d</sup> from his Excellency the Governor a verbal message by his Secretary, requiring the immediate attendance of the House in the Palace.

Mr Speaker with the House waited on His Excellency the Governor, in the Palace, and Mr Speaker presented him with the following Bills, to wit,

The Bill for preventing tumultuous and riotous Assemblies, for the more speedy and effectually punishing the Rioters, and for restoring and preserving the public peace of this Province.

The Bill for an addition to, and amendment of an Act, for appointing a Militia.

The Bill for further continuing an Act for appointing a printer to this Province.

The Bill to establish a public inspection of Tobacco in the County of Johnston.

The Bill to impower the Church Wardens and Vestrymen of the Parish of St Gabriels in the County of Duplin, to sell the Glebe in the said Parish and County.

The Bill for appointing Commissioners for erecting and building a Court House, prison and stocks for the County of Tryon.

The Bill to appoint Commissioners for finishing the Church in Wilmington, in the room and stead of John Du Bois and George Wakely Esquires deceased.

The Bill for the restraint of vagrants and for making provision for the poor.

The Bill for erecting part of Johnston, Cumberland and Orange Counties into a separate and distinct County by the name of Wake County and St Margarets Parish.

The Bill to prevent hunting for and killing deer in the manner therein mentioned.

The Bill to encourage the further settlement of this Province.

The Bill to amend an Act, Intituled an Act for appointing Sheriffs, and directing their duty in Office.

The Bill for the relief of such persons who have or may suffer by the loss of the Records in Bladen County, and for the Election of Vestrymen for the Parish of St Martins.

The Bill for the relief of such persons who have or may suffer by their deeds and mesne conveyances not being proved and registered within the time heretofore appointed by Law.

The Bill to prevent the exportation of unmerchantable commodities.

The Bill for the regulation of the Town of Salisbury, securing the inhabitants in their possessions, and to encourage the settlement of the said Town.

The Bill to prevent the untimely destruction of Fish in Core Sound, Bogue Sound and the Straights in Carteret County.

The Bill for founding, establishing and endowing of Queens College in the Town of Charlotte in Mecklenburg County.

To which said Bills His Excellency the Governor was pleased to give his assent, except the Bill to impower the Church Wardens and Vestrymen of St Gabriels Parish in the County of Duplin to sell the Glebe in the said Parish and County, and

The Bill for the restraint of Vagrants, and for making provision for the poor, which His Excellency rejected.

Mr Speaker with the House being returned from the Palace, Mr Speaker acquainted the House, His Excellency the Governor had given his assent to the foregoing Bills, Except as before excepted.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday January 16<sup>th</sup> 1771.

The House met according to adjournment.

On motion ordered the Bill for the more easy and effectual method of collecting the taxes in the Counties therein mentioned, be read the second time. Read the same the second time, amended passed and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr W<sup>m</sup> Moore.

On motion ordered the Bill for erecting a new County between the Towns of Salisbury and Hillsborough, by taking part of the Counties of Rowan and Orange, be read the third time. Read the same a third time, amended passed and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr W<sup>m</sup> Moore.

Rec<sup>d</sup> from the Council the following Bills, to wit,

The Bill for establishing two Loan Offices in this Province.

The Bill for erecting part of the inhabitants of the County of Orange to the Northward of the Town of Hillsborough, into a separate and distinct County by the name of ----- County and ----- Parish, In the upper House read the first time and passed.

The Bill to amend an Act Intitled an Act for the regulation of the Town of Wilmington, In the upper House read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill for establishing a new County between Campbellton and Hillsborough, by taking the Southern part of the inhabitants of Orange County, and by erecting the same into a distinct County by the name of Chatham County, and St Bartholomews Parish be read the second time. Read the same the second time, amended, passed and ordered to be sent to the Council.

Mr Knox moved for leave to present a Bill to further continue an Act for the restraint of vagrants and for making provision for the poor and other purposes.

Ordered he have leave accordingly.

Mr Knox presented the said Bill, which he read in his place and delivered in at the Table, where the same was again read passed, and ordered to be sent to the Council.

Rec<sup>d</sup> from His Excellency the following Message,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

His Majesty's Post Master General having for some months past opened a communication by post, between the Southern and North-

ern Provinces on this Continent, by establishing a regular intercourse between Charles Town and Suffolk in Virginia, which has been so long solicited, especially by the commercial interest of this Province, and it being since found from experience, that the riders, or mail bearers, meet with great difficulties and delays at the many ferries in this Province, I would recommend it to you to make provision, authorizing all such riders to pass the ferries free of any Charges, and the respective owners of the ferries allowed to bring in a claim on the public for the same, And also in cases of sickness, or the riders horses failing them, to impower them to require from any person living nearest on the road to carry the mail to the next stage; and the person so carrying the mail to be paid by the acting Post Master General of the Province so much p. mile for such service.

W<sup>m</sup>. TRYON.

January 16<sup>th</sup> 1771.

On motion ordered the said Message lie for consideration.

Received from the Council the following Bills:

The Bill for ascertaining the boundary line between the county of Rowan and the counties of Mecklenburg and Tryon and for appointing commissioners to run the same.

The Bill to enlarge the time for several Sheriffs to settle their Accounts with the Justices of the Inferior Courts of pleas and quarter sessions of the counties therein mentioned, In the upper House read the second time and passed.

The Bill to direct the method hereafter to be observed by the Treasurers in keeping the public Accounts in this Province, In the upper House, read the second time, amended and passed.

On motion ordered the following Message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR &c<sup>a</sup>

SIR,

Mr John Gibbs, who was one of the Members of Bladen County, being dead, this House therefore desire your Excellency will be pleased to direct the Clerk of the Crown to issue a Writ for Electing a Member for the said County of Bladen, to sit and vote in this present Assembly, in the room and stead of the said John Gibbs.

R<sup>d</sup> C<sup>A</sup>SWELL, Speaker.

Sent by Mr M<sup>c</sup>Ree and Mr Dickson.

On motion Resolved that Thomas Sitgreaves be allowed for his pay as Captain of the prison guards, guard room, fire and candles, furnished the said guards, from the 21<sup>st</sup> December last to this day the sum of £13 to be paid him out of the £500 Resolved by this House to be drawn out of the Treasury by His Excellency the Governors Warrant, to be applied towards the payment of any necessary expences his Excellency has been or may be at, in counteracting the wicked designs of the Insurgents.

Ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We herewith send you a Resolve of this House, for allowing Tho<sup>s</sup> Sitgreaves £13, and desire your Honors concurrence thereto.

R<sup>d</sup> CASWELL Speaker.

Sent by Mr M<sup>c</sup>Kinnie and Mr Lewis.

On motion ordered the Bill for erecting part of the inhabitants of the County of Orange to the northward of the Town of Hillsborough, into a separate and distinct county &c<sup>a</sup>, be read the second time. Read the same a second time, amended, passed, and ordered to be sent to the Council.

Sent by Mr T. Person and Mr Pryor.

Rec<sup>d</sup> from the Council the Bill for erecting a new County between the Towns of Salisbury and Hillsborough, by taking part of the counties of Rowan and Orange, In the upper House, read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill for the more advantageous and easy manner of obtaining partitions of Lands in coparcenary, joint tenancy, and tenancy in common, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Gray and Mr Polk.

On motion ordered the Bill to prevent card playing and other deceitful gaming, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Thomas Neill and Mr Alexander.

On motion ordered the Bill to enlarge the time for several Sheriffs to settle their accounts with the Justices of the Inferior Courts of pleas and quarter sessions of the Counties therein mentioned, be read

the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Thomas Neill and Mr Alexander.

Then the House adjourned till tomorrow morning 10 °Clock.

Thursday January 17<sup>th</sup> 1771.

The House met according to adjournment.

On motion ordered the Bill for ascertaining the boundary line between the County of Rowan and the Counties of Mecklenburg and Tryon, and for appointing Commissioners to run the same, be read the third time. Read the same a third time, amended passed and ordered to be sent to the Council.

Sent by Mr Polk and Mr Thos. Neill.

On motion, ordered Mr Harvey have leave to absent himself from the service of the House during this session.

On motion ordered the Bill to indemnify the several Sheriffs, who have not collected the one shilling tax p. poll for sinking the £12,000, granted in the year 1760, and the tax of two shillings p. poll for sinking the £20,000 granted in the year 1761 &c<sup>a</sup>, be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Hewes and Mr Brownrigg.

Mr Hewes moved for leave to present a Bill to encourage the support of the establishment of a post office in this Province.

Ordered he have leave accordingly.

Mr Hewes presented the said Bill, which he read in his place and delivered in at the Table where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Hewes and Mr Brownrigg.

Rec<sup>d</sup> from His Excellency the Governor the following Message,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I have waited with no less patience than pleasure on your deliberations for the reform of the public abuses, and restoration of the tranquility of the country. When you have provided for these objects, and that your Chief Magistrate may reap some share of the distributive Justice of this Session, I must desire that you will have regard to an injury I experience from the liberty County Court Clerks are allowed of issuing Marriage licences by certificate when unprovided with Blank licences by the Governor: as under this

sanction many are extremely negligent in receiving them, and in one instance the blank licences were absolutely refused to be accepted, when tendered by my order to a Clerk, while certificates were granted in their stead. I do therefore to prevent similar abuses, and that I may not be deprived of my equitable emoluments request the Clerks by Law, may be absolutely prohibited from issuing any Marriage Licences, and any Magistrate from marrying any parties, unless under Hand and Seal of the Governor or Commander in Chief for the time being, as the Clerks may be at all times furnished, either out of the Secretarys Office or from the private Secretary, with any number of blank Marriage Licences they may have occasion for on rec<sup>d</sup>.

January 17<sup>th</sup> 1771.

W<sup>m</sup>. TRYON.

On motion ordered Mr Howe prepare and bring in a Bill for regulating the issuing of Marriage Licences,

Rec<sup>d</sup> from the Council the following Bills,

The Bill to encourage and support the establishment of a post office in this Province, In the upper House read the first time and passed.

The Bill for establishing a new County between Campbelton and Hillsborough &c<sup>a</sup>, In the upper House read the second time and passed.

The Bill for the more easy and advantageous manner of obtaining partitions of Land in Coparcenary joint tenancy and tenancy in common,

The Bill to indemnify the several Sheriffs who have not collected the 1s. tax p. poll for sinking the £12,000, granted in the year 1760, and the tax of 2s. p. poll for sinking the £20,000, granted in the year 1761, In the upper House read the third time and passed. Ordered to be engrossed.

On motion ordered Mr Mau. Moore and Mr Nash have leave to absent themselves from the service of this House during the Session.

Rec<sup>d</sup> from the Council the Bill to prevent card playing and other deceitful gaming, In the upper House read the second time amended and passed.

Rec<sup>d</sup> from the Council the following Bills,

The Bill to enlarge the time for Sheriffs to settle their accounts with the Justices of the Inferior Courts of pleas and quarter Sessions of the Counties therein mentioned.

The Bill to amend and continue an Act for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort, In the upper House read the third time and passed. Ordered to be engrossed.

The Bill for the more easy and effectual method of collecting the taxes in the counties therein mentioned, In the upper House read the second time and passed.

The Bill to further continue an Act for the restraint of Vagrants and for making provision for the poor, and other purposes, In the upper House read the first time and passed.

And also the Resolve of this House of yesterday, for allowing Thomas Sitgreaves the sum of £13, In the upper House concurred with  
JAMES HASELL, P. C.

On motion ordered the following message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

We herewith send your Excellency a Resolve of this House of yesterday, for allowing Thomas Sitgreaves the sum of £13 to which His Majestys Council have concurred, and request your Excellency's assent thereto.

R<sup>d</sup> CASWELL, Speaker.

Rec<sup>d</sup> from the Council the following message, to wit,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for appointing William Moore of Tryon County to collect and receive the Taxes due for the year 1768, We observe as the Bill now stands, that Wyley would be immediately discharged from such taxes, which we are of opinion ought not to be, until Moore gives bond and sufficient security, And therefore we propose the words following be inserted in the Bill, Viz<sup>t</sup>, "As soon as the said William Moore has given bond with security as aforesaid, that James Wyley shall be exonerated," &c<sup>a</sup> as in the Bill. If you agree thereto, please send two of your members to see the same inserted.

On motion ordered the following Message be sent the Council,



GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your message of this day respecting the Bill for appointing William Moore of Tryon County, to collect and receive the taxes due for the year 1768, We agree to the amendments by you proposed and send Mr Dunn and Mr Ormond to see the same made.

R<sup>d</sup> CASWELL, Speaker.

On motion ordered the additional and explanatory Bill to an Act Intituled an Act for regulating the several officers fees within this Province, and ascertaining the method of paying the same and for taxing Law suits be read the third time. Read the same a third time, amended passed and ordered to be sent to the Council.

Sent by Mr Brownrigg and Mr Jacob Blount.

Mr Howe moved for leave to present an Additional Bill to an Act Intituled an Act for defraying the contingent charges of Government.

Ordered he have leave accordingly.

Mr Howe presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Brownrigg and Mr Jacob Blount.

Mr Howe according to order presented a Bill for regulating the issuing of Marriage Licenses, which he read in his place and delivered in at the Table where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Brownrigg and Mr Jacob Blount.

On motion Resolved that six thousand weight of gun powder, two thousand weight of musket balls and shot be purchased for the use and defence of this Province and that the Captain Commandant of Fort Johnston do purchase the same: and that His Excellency the Governor be employed to draw upon either of the public Treasurers for money to purchase the same.

On motion ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a Resolve of this House, for empowering the Captain Commandant of Fort Johnston to purchase six thousand weight of gun powder, and two thousand weight of musket balls and shot for the use and defence of this Province; and desire your Honors concurrence thereto.

On motion ordered Mr Edward Hare have leave to absent himself from the service of this House.

On motion ordered the Bill for establishing a new County between Cambelton and Hillsborough &c<sup>a</sup> be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Ormond.

Rec<sup>d</sup> from the Council the following message,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

We observe by your message of the 15<sup>th</sup> instant that you do not agree to our proposed alteration of the word *shall*, to the word *may*, or allow the Clause admitting an appeal in the Bill "To direct Sheriffs in levying executions &c<sup>a</sup>." In order therefore to make that Bill less lyable to objection, We agree that the word *shall*, stand with respect to goods and chattels, but that with respect to Lands, in such case the Plaintiff *may* take it at two thirds the value, to which end, we send a clause with the necessary alterations. If your House agree thereto please send two of your members to see this and the former clause agreed to by you added to the Bill.

Ordered to lie for consideration.

Then the House adjourned to 10 °Clock tomorrow morning.

Friday January 18<sup>th</sup> 1771.

The House met according to adjournment.

On motion ordered the Bill for further continuing an Act for the restraint of Vagrants, and for making provision for the poor and other purposes, be read the second time. Read the same a second time, amended passed, and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Ormond.

On motion ordered Mr M<sup>c</sup>Ree have leave to absent himself from the service of the House.

On motion ordered the Bill for the more easy and effectual method of collecting the Taxes in the Counties therein mentioned, be read the third time. Read the same a third time and rejected.

On motion ordered the Additional Bill to an Act Intituled an Act to regulate Elections &c<sup>a</sup>, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Ormond.

Rec<sup>d</sup> from the Council the following Bills, Viz<sup>t</sup>,

The Bill for regulating the issuing of Marriage Licences.

The additional Bill to an Act, Intitled an Act for defraying the contingent charges of Government, In the upper House read the first time and passed.

The Bill for vesting the school house in Edenton in Trustees.

The Bill to amend an Act Intitled an Act for establishing a Town on the Lands of John and William Russell, minors, sons of John Russell deceased &c<sup>a</sup>, In the upper House read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill to prevent card playing, and other deceitful gaming, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Ormond.

On motion Resolved that Mr Southier be allowed fifty pounds for the map of this Province and plans of the several Towns therein, presented by him to this House, to be paid by the Treasurers or one of them out of the contingent fund.

On motion ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a Resolve of this House for allowing Mr Southier the sum of fifty pounds, and desire your Honors concurrence thereto.

R<sup>d</sup> CASWELL, Sp.

On motion ordered the Bill to encourage and support the establishment of a post office in this Province, be read the second time. Read the same a second time, amended passed and ordered to be sent to the Council.

Sent by Mr James Blount and Mr Herring.

Rec<sup>d</sup> from His Excellency the Governor the Resolve of this House respecting an allowance to Thomas Sitgreaves of thirteen pounds.

Concurred with and paid.

W<sup>m</sup>. TRYON.

Also the following Messages, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY

Your Resolve for allowing Captain Sitgreaves thirteen pounds for the services therein mentioned out of the vote of credit for five hundred pounds, you have given me, I have concurred with and discharged.

W<sup>m</sup>. TRYON.

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

In compliance with your request, communicated in your Message of the 16<sup>th</sup>, I have directed the Clerk of the Crown to issue a writ for electing a member for the County of Bladen in the room of Mr John Gibbs deceased.

W<sup>m</sup>. TRYON.

Rec<sup>d</sup> from the Council the following Bills,

The Bill for appointing and empowering Mr William Moore of Tryon County to collect and receive the taxes which are due from the inhabitants of the said county for the year 1768.

The Bill to prevent card playing and other deceitful gaming.

The Bill for establishing a new county between Campbelton and Hillsborough, In the upper House, read the third time and passed. Ordered to be engrossed.

The Bill to encourage and support the establishment of a post office in this Province.

The Bill for further continuing an Act for the restraint of vagrants and making provisions for the poor and other purposes, In the upper House, read the second time and passed.

Rec<sup>d</sup> from the Council the following Message,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill to ascertain Attorneies fees, We propose the following amendments to the Bill, as it now stands, Viz<sup>t</sup>, to *delete* the clause relative to the Attornies fees, and insert the following fees to be taken by them and no more:

	£	s.	d.
For an Opinion or advice on matters cognizable in the			
Sup <sup>r</sup> Court.....	1	10	00
The same on matters in the Inferior Court.....		15	00
On all suits for recovering of debts due by Book account, notes, or bonds in the Superior Court.....	2	00	00
On all other actions, when Titles of Lands do not come in question, in the Superior Court .....	3	10	00
On all suits in Trespass <i>Quare clausum Fregit</i> .....	5	00	00
On Actions in Ejectment .....	7	10	00
On all actions in the Inferior Court of what nature soever,	1	10	00

Provided that in every Bill of costs, the Clerk shall tax for the lawyers fee, thirty shillings in the Superior Court, and fifteen shillings in the Inferior Courts, and no more.

We propose to *dele* the clause and proviso giving power to the Superior and Inferior Courts over the Attornies, and to *dele* the last proviso in the Bill, relative to any compensation to be given to a lawyer at the end of a suit. And that this Act shall continue and be in force for and during two years, and no longer.

If you agree to these amendments, please send two of your members to see them made.

And the Resolve of this House of yesterday for granting powder and lead for the use of Fort Johnston, and defence of the Province.

Concurred with.

JAMES HASELL, P. C.

On motion ordered the following message to be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

This House having considered the necessity of providing ammunition for the defence of this Province, have entered into a Resolve, concurred with by His Majestys Honorable Council, which they herewith send, and request your Excellencys assent thereto.

R<sup>d</sup> CASWELL, Sp.

On motion ordered the Bill to direct the method hereafter to be observed by the Treasurers in keeping the public Accounts of this Province, be read the third time. Read the same a third time and rejected.

On motion ordered the Bill to alter the method of working on the public roads in the County therein mentioned, be read the second time. Read the same a second time, amended passed and ordered to be sent to the Council.

Sent by Mr Ormond and Mr Wynns.

On motion ordered Mr Brownrigg have leave to absent himself from the service of this House after tomorrow.

On motion Resolved, that the Clerk of the Assembly provide a room in the Town of New Bern, for the office of the Clerk of the Assembly for the time being; and that such Clerk collect all papers belonging to this House and file the same in order, in proper cases to be by him furnished; and also to enter in the large folio book, already provided for that purpose all the Journals since April

Session 1760; for which room for an office, service and expence, the said Clerk shall be paid by the Assembly, and also for transcribing the said Journals as aforesaid shall have and receive the usual allowance for Transcripts of the Journals of this House to His Excellency the Governor.

Then the House adjourned till 4 o'clock in the afternoon.

The House met according to adjournment.

Mr John Dunn Chairman of the Committee of Claims, Reported that the said Committee had settled and allowed sundry claims, which being severally read and concurred with by the House, Except the Claim of Mrs Elizabeth Blenning which was disallowed.

Ordered the same be sent to the Council for their Concurrence.

Sent by Mr Lane and Mr Bonner.

Then the House adjourned till tomorrow morning 10 o'clock.

Saturday January 19<sup>th</sup> 1771.

The House met according to adjournment.

Mr Cray, from the Committee of Priviledges and Elections, reported that they had considered the petition of Thomas Respass of Bath Town complaining of the undue Election of Wyriot Ormond, and after examining persons and papers, are of opinion that the said Wyriot Ormond was duly Elected.

Resolved this House concur with the said report.

On motion Resolved the Bill for further continuing an Act for the restraint of Vagrants, and for making provision for the poor, and other purposes, be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Ormond and Mr Wynns.

On motion ordered the Bill for regulating the issuing of Marriage Licenses, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Ormond and Mr Wynns.

On motion ordered the Bill to encourage and support the establishment of a post office in this Province, be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Ormond and Mr Wynns.

Mr Fanning moved for leave to present a Bill for the more speedy

recovery of all small debts and demands under five pounds proc. money in this Province.

Ordered he have leave accordingly.

Mr Fanning presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed, and ordered to be sent to the Council.

Sent by Mr Fanning and Mr C. Neale.

Mr Fanning moved for leave to present a Bill for granting a salary to the Chief Justice out of the contingent fund.

Ordered he have leave accordingly.

Mr Fanning presented the said Bill which he read in his place, and delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Fanning and Mr C. Neale.

On motion ordered the following messages be sent to His Excellency the Governor, in answer to sundry messages received from him,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

Your Excellency's message respecting the method of keeping the public accounts has been duly considered by this House, in consequence of which, we shall pursue such measures as will we hope, be satisfactory to you, and effectually answer the ends of the Public. The Books Sir, you have kindly presented to this House will be very serviceable, for which we beg your Excellency to accept our thanks.

R<sup>d</sup> CASWELL, Speaker.

Sent by Mr Cray and Mr Gray.

The Memorial preferred by some Merchants of London to the Earl of Hillsborough, concerning the packing and shipping the naval stores from this Province has been duly considered and such provision made in the Inspection Act, which has passed this House, as will we hope be satisfactory.

R<sup>d</sup> CASWELL, Speaker.

Sent by Mr Cray and Mr Gray.

This House thank your Excellency for the information you give them in your message of the 11<sup>th</sup> of this instant relative to a boundary

line between the Carolinas, and shall pay that attention thereto, which the importance of the subject so justly requires.

R<sup>d</sup> CASWELL, Speaker.

On motion Resolved, that Simon Bright be allowed the sum of ten pounds for apprehending and bringing George Martin to the Bar of this House, who was suspected of making and passing counterfeit money; to be paid by the Treasurers or either of them out of the contingent fund.

On motion ordered the following message be sent to the Council, Viz<sup>t</sup>,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL

We herewith send you a Resolve of this House for allowing Simon Bright ten pounds, and desire your Honors concurrence thereto.

R<sup>d</sup> CASWELL, Speaker.

On motion ordered the Bill for establishing two Loan offices in this Province be read the second time. Read the same a second time and rejected.

On motion Resolved that Walter Gibson and Mr Jones be allowed the sum of five pounds each for their models of rice mills laid before this House, to be paid by the Treasurers or one of them out of the contingent fund.

On motion ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We herewith send you a Resolve of this House for allowing Mr Gibson and Mr Jones five pounds each, to which we desire your Honors concurrence.

R<sup>d</sup> CASWELL, Sp.

On motion ordered the following message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

This House having received information of the great scarcity of Indian corn likely to ensue, beg leave to request your Excellency to



lay an embargo, prohibiting the Exportation thereof from any Port in this Province. R<sup>d</sup> CASWELL, Sp.

On motion ordered the Yeas and Nays be taken down and are as follows:

*Yeas*—Messrs Hewes, James Blount, Christ<sup>r</sup> Neale, Johnston, Harnett, Dunn Cray, Sugg, Ward, Jos. Jones, Thos. Relfe, Macknight, Herring, W<sup>m</sup> Relfe, Moses Hare, Woodhouse, Knox, Brownrigg, Jacob Blount, Ormond, Jarvis, Thomson, Howe, White, Skinner.

*Nays*—Messrs Lane, Haywood, Thomas Person, M<sup>c</sup>Kinnie, Slade, Mackilwean, Smithwick, Gibson, Latham, Dickson, Robinson, Benj<sup>a</sup> Person, M<sup>c</sup>Ree, Bonner, Stewart, Evans, M<sup>c</sup>Swain, Farquard Campbell, Rutherford, Locke, Moore, Polk, Alexander, Thomas Neill.

Then on motion ordered the foregoing message and votes be printed in the Public Gazette.

On motion ordered the additional Bill to an Act Intituled an Act for defraying the contingent charges of Government, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Gray and Mr M<sup>c</sup>Kinnie.

Then the House adjourned till Monday morning 10 o'Clock.

Monday January 21<sup>st</sup> 1771.

The House met according to adjournment.

Rec<sup>d</sup> from the Council the following Bills,

The Bill for granting a salary to the Chief Justice, out of the Contingent fund.

The Bill for the more speedy recovery of all debts and demands under five pounds proc money within this Province, In the upper House read the first time and passed.

The Bill to encourage and support the establishment of a Post Office in this Province.

The Bill for further continuing an Act for the restraint of vagrants and for making provision for the poor and other purposes, In the upper House read the third time and passed. Ordered to be engrossed.

The Bill for regulating the issuing of Marriage Licenses.

The Bill to alter the method of working on the roads in the County therein mentioned, In the upper House, read the second time and passed.

Mr Neale presented the Petition of Mr John Oliver, setting forth he was security for one Ebenezer Scranton for the payment of £17 4s. 4d. proc money, for duties on rum imported into the Port of Beaufort and although the duties were paid to Mr Jeremiah Vail the then Collector, yet the bond remained in his hands, and after his death was prosecuted by the public Treasurer, and judgment rendered notwithstanding the said duties were paid to Mr Vail in his lifetime, praying relief &c<sup>a</sup> — Therefore,

Resolved, the Treasurer of the Southern district be directed to enter satisfaction of the said judgment and that the said John Oliver be discharged from the same.

Rec<sup>d</sup> from His Excellency the Governor the following Message,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I am to acquaint you that in consequence of my orders given in compliance with your request, all the Records and papers belonging to the Secretarys Office are safely arrived in Town. An account of the expences for removing the same from Wilmington, I herewith send you for your allowance.

W<sup>m</sup>. TRYON.

January 21<sup>st</sup> 1771.

On motion, Resolved, that the Honble Robert Palmer Esq<sup>r</sup> Secretary, be allowed the sum of fifty pounds for the expences in removing all the records and papers belonging to the Secretarys office from Wilmington to New Bern, to be paid by the Treasurer or one of them out of the contingent fund.

On motion ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a Resolve of this House, for allowing the Honble Robert Palmer Esquire the sum of fifty pounds and desire your Honors concurrence thereto.

R<sup>d</sup> CASWELL, Speaker.

Sent by Mr Jacob Blount and Mr Sheppard.

Rec<sup>d</sup> from the Council the two Resolves of this House of Saturday, for allowing Simon Bright ten pounds, and Mr Gibson and Mr Jones five pounds each, In the upper House concurred with

J. HASELL, P. C.

On motion ordered the following message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

We herewith send your Excellency two Resolves of this House, for allowing Simon Bright the sum of ten pounds, and for allowing Mr Gibson and Mr Jones five pounds each, to which his Majesty's Council have concurred and request your Excellency's assent to the said Resolves.

R<sup>d</sup> CASWELL, Speaker.

On motion ordered the Bill for the more speedy recovery of all debts and demands under five pounds proclamation money within this Province be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Woodhouse and Mr M<sup>s</sup>Swain.

Rec<sup>d</sup> from the Council the Bill for the better settling, regulating, and improving the Town of Beaufort, in the County of Carteret and for annexing Ocacock Island to the said County, In the upper House read the third time and passed. Ordered to be engrossed.

Rec<sup>d</sup> from the Council the Bill for the more speedy recovery of all debts and demands under five pounds proc. money within this Province, In the upper House read the second time and passed.

Received from His Excellency the Governor the following Messages, to wit,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY, .

I send herewith for your consideration and allowance an account of the expences incurred in Assembling under Arms the Pitt Regiment of Militia, at the beginning of this Session, a copy of my letter to the Col<sup>o</sup> of the Regiment, also herewith sent you, will explain the motives that induced me to give the orders contained therein.

W<sup>m</sup> TRYON.

January 21<sup>st</sup> 1771.

Ordered to lie for consideration.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I received your Message and Resolve respecting the supply of ammunition for the defence of this Province, and entirely agree with you in the necessity of making such provision, but hope when you reconsider the Frame of the Resolve, which I herewith return

you, you will see the propriety of making such grant for His Majesty's service, and defence of the Province, and that I may be impowered to order the purchase of such ammunition, as well as to draw upon the Treasurers for the purchase of the same.

W<sup>m</sup>. TRYON.

Also the Resolve of this House referred to in the above message.

On motion ordered the following message be sent to the Council, Viz<sup>t</sup>,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your Message of the 18<sup>th</sup> current, relative to the Bill for ascertaining Attorneys fees, We agree to *dele* the clause giving power to the Supreme and Inferior Courts, over the Attorneys, and send Messrs Fanning, Haywood and Thomas Person to see the same inserted; but cannot agree to any other alterations.

R<sup>d</sup>. CASWELL, Speaker.

On motion ordered, the additional Bill to an Act, Intitled an Act to regulate Elections for Members to serve in the General Assembly &c<sup>a</sup>, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Fanning and Mr Haywood.

On motion ordered the Bill for granting a salary to the Chief Justice out of the contingent fund, be read the second time. Read the same the second time, amended passed, and ordered to be sent to the Council.

Sent by Mr Fanning and Mr Haywood.

On motion ordered the additional Bill to an Act, Intitled an Act for defraying the contingent charges of Government, be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Ormond and Mr C. Neale.

On motion ordered the Bill for regulating the issuing of Marriage Licenses, be read the third time. Read the same a third time, amended passed, and ordered to be sent to the Council.

Sent by Mr Ormond and Mr C. Neale.

On motion ordered the Bill for the more speedy recovery of all debts and demands under five pounds proc money within this

Province, be read the third time. Read the same a third time, passed, and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr Moore.

Then the House adjourned till tomorrow morning 10 o'clock.

Tuesday January 22<sup>d</sup> 1771.

The House met according to adjournment

Received from the Council a Bill for granting a salary to the Chief Justice out of the contingent fund, In the upper House read the second time and passed.

Also the Resolve of this House, for allowing the sum of fifty pounds to the Honble Robert Palmer Esquire.

Concurred with.

JAMES HASELL, P. C.

On motion ordered the following message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN GENERAL,  
GOVERNOR &C<sup>a</sup>,  
SIR,

We herewith send your Excellency a Resolve of this House for allowing the Hon<sup>ble</sup> Robert Palmer Esquire fifty pounds, to which His Majestys Council have concurred, and request your Excellencys assent thereto.

R<sup>d</sup> CASWELL, Speaker.

Received from the Council the following Bills,

The Bill to ascertain Attornies fees.

The Additional Bill to an Act, Intitled an Act for defraying the contingent charges of Government, In the upper House read the third time and passed. Ordered to be engrossed.

The Bill for the more speedy recovery of all debts and demands under five pounds proc. money within this Province, In the upper House read the third time and passed. Ordered to be engrossed.

Mr John Campbell chairman of the Committee appointed to Enquire into the several facts charged against Mr Thomas Person, one of the members of the House, reported that the Committee had come to several Resolutions, which he was ready to present when the House would receive the same.

Resolved, the House receive the said Reports, and are as follows, to wit,

That your Committee have taken into consideration the several matters to them referred, and have strictly examined into the proofs relative to the same, and are of opinion there is not any one of the Charges or Allegations against the said Thomas Person in any manner supported; but on the contrary it does appear to your Committee, that the said Charges and Allegations were exhibited against the said Person through malice and envy, with design to injure the character and reputation of the said Thomas Person.

And this Committee further report, that Richard Henderson Esq<sup>r</sup> did appear before this Committee, and prosecuted the said charge against the said Thomas Person.

Received from the Council the Resolve of this House allowing Mr Southier fifty pounds, In the upper House concurred with.

• J. HASELL, P. C.

On motion ordered the following Message to be sent to His Excellency the Governor, Viz<sup>t</sup>

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL, GOVERNOR, &c<sup>a</sup>.

SIR,

We herewith send your Excellency a Resolve of this House for allowing Mr Southier the sum of fifty pounds to which His Majestys Council have Concurred, and request your Excellencys assent thereto.

R<sup>d</sup> CASWELL, Sp.

Ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of the 17<sup>th</sup> instant relative to the Bill to direct sheriffs in levying executions &c<sup>a</sup> We agree to the amendments by you proposed, and send Mr Fanning and Mr Willie Jones to see the clause added to the Bill.

R<sup>d</sup> CASWELL, Sp.

Rec<sup>d</sup> from His Excellency the Governor the following Message,

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MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

From the intelligences I have lately received from the settlement of the Insurgents, there are the strongest reasons to apprehend that they intend some further and speedy act of violence against the peace of the Province, Therefore finding by the law passed this Session for suppressing riots and tumults, that the drafts I may have occasion to make on the Treasury for carrying into execution the powers by that Act given me, are to be satisfied out of the contingent fund, I yesterday called upon the Treasurers to know what sum would remain in that fund after the expences of this Session are paid, and received for an answer that there would not be a penny. I am therefore in consequence of such deficiency, to apply to you to make such other provisions for an immediate supply of money, as may be necessary for answering the purposes of the aforementioned Act in case an emergency should make it necessary to call for it.

W<sup>m</sup> TRYON.

January 22<sup>d</sup> 1771.

Rec<sup>d</sup> from His Excellency the Governor the following Message,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return you your Resolves for an allowance of Ten pounds to Simon Bright, and five pounds apiece to Mr Gibson and Mr Jones, all concurred with.

W<sup>m</sup> TRYON.

Received at the same time the two Resolves referred to in the above message.

Concurred with.

W<sup>m</sup> TRYON.

Received from the Council the Bill to direct the Sheriffs in levying executions, and the disposal of land, goods and chattles taken thereon, In the upper House read the third time and passed with amendments. Ordered to be engrossed.

Also the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We observe on your third reading of the Bill for regulating the issuing of Marriage Licences, you have inserted a clause empowering Presbyterian Ministers to Marry without a Licence, which clause we can by no means agree to, and propose to *delete* the same. If you

consent to this amendment, please send two of your members to see it done, that the Bill may pass into a Law.

On motion, ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your message of this day relative to the Bill for regulating the issuing of Marriage Licences, this House cannot agree to *dele* the clause you mention, and hope your Honors will pass the Bill as it went from us.

R<sup>d</sup> CASWELL, Sp.

Received from the Council the following message,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the explanatory Bill relative to Clerks fees, we are of opinion in many instances that Clerks of the Superior Courts are not allowed fees adequate to the services they are obliged to perform, and therefore from a principle of Justice, We would propose the following amendments, Viz<sup>t</sup>,

In the clause giving a fee for continuances to *dele* the words after the second Court, and that the clause stand as follows, Viz<sup>t</sup>, "For the continuance or reference of every cause, including all fees for every service necessary thereon 4s, unless when an attachment or *Pluries* Writ is issued, in which case the Clerk is intitled to 2s. more, which shall include all services in swearing and entering the oaths of garnishees, and all rules, orders, and entries thereon."

As it requires judgment and knowledge in the Law to draw up Records properly, the fee you have allowed the Superior Court Clerks is by no means adequate to that service. We would propose this fee to be made 10s. which sum in another clause in this Bill you have allowed for the same service to the Clerks of the Inferior Courts, and will make the Bill more consistent.

And as Commissioners under seal of office often issue for the examination of witnesses, which depositions are returned and filed as evidence in the cause, for which service there is no fee allowed to the Clerk; We would propose in the clause where a commission is directed to take the examination of a *Feme Covert*, to insert the words, "Or witnesses in any cause depending in a Superior Court."

The fee by you set down for a special verdict demurer, &c<sup>a</sup>, is quite inadequate to the services the Clerk must perform.



We would propose to raise the fee to 8s.

We would also propose the tax of 20s. and 5s. on Law Suits be made payable on final judgment or determination of the cause, and that the Bill be altered to that purpose. To which amendment if you agree, please send two of your members to see the same done.

On motion ordered the following message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your message of this day respecting the explanatory Bill relative to Clerks, we agree to the proposal you make to insert in the clause where a commission is directed to take the examination of a *Feme Covert*, the words, "Or witnesses in any cause depending in a Superior Court;" and send Mr Johnston and Mr Macknight to see the same inserted accordingly. The other amendments you propose we cannot agree to.

R<sup>d</sup> CASWELL, Speaker.

On motion ordered the Bill to alter the method of working on the roads in the County therein mentioned be read the third time. Read the same a third time passed and ordered to be sent to the Council.

Sent by Mr Howe and Mr Gibson.

Rec<sup>d</sup> from His Excellency the Governor the following Message,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return you your Resolve, allowing Mr Southier the sum of fifty pounds proc. money for the purpose mentioned therein, which I have concurred with.

W<sup>m</sup>. TRYON.

Rec<sup>d</sup> at the same time the Resolve of this House, allowing Mr. Southier fifty pounds.

Concurred with

W<sup>m</sup>. TRYON.

Rec<sup>d</sup> from the Governor the Resolve of this House allowing Hon. Robert Palmer Esq fifty pounds.

Concurred with

W<sup>m</sup>. TRYON.

Also the following Message,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

Your Resolve for allowing the Secretary of the Province fifty pounds for removing the Records belonging to his office from Wilmington to New Bern, I herewith return you.

Concurred with.

W<sup>m</sup>. TRYON.

Then the House adjourned till tomorrow morning 10 °Clock.

Wednesday January 23<sup>d</sup> 1771.

The House met according to adjournment.

Mr C. Neale presented sundry certificates from the Court of Craven County, therein recommending Roger Squires, Thomas Whitford, Hugh Smith, Jacob Jones, Samuel Taylor, Daniel Canady, Arthur Burn, Peter Duke, Abraham Branson, John M<sup>c</sup>Graw, Andrew Gray, and James Lipsey, to be exempt from the payment of public taxes &c<sup>a</sup>.

Ordered they be exempt accordingly.

Mr Harnett from the Committee of Public Accounts, reported that the Northern Treasurer had paid into the Committee on account of the sinking fund, five thousand seven hundred and thirty pounds, eleven shillings and six pence, and the Treasurer of the Southern district the sum of nine thousand two hundred and ten pounds, nineteen shillings and eleven pence, on the same fund.

On motion ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

The Chairman of the Committee of Public Accounts having reported the Northern Treasurer hath paid into the Committee, on account of the sinking fund five thousand seven hundred and thirty pounds eleven shillings and six pence, and the Treasurer of the Southern District the sum of nine thousand two hundred and ten pounds, nineteen shillings and eleven pence on the same fund,

This House have appointed a Committee of the whole House to see the said two sums, amounting in the whole to fourteen thousand nine hundred and forty one pounds eleven shillings and five pence, burnt at the House of Thomas Hawke, in New Bern, at 4 °Clock this afternoon, in conjunction with such of your Honours as you shall think fit to appoint.

R<sup>d</sup> CASWELL, Speaker.

Mr Harnett Chairman of the Committee of Propositions and Grievances, reported that it is the opinion of your Committee that John Litteral, Clerk of the Committee, be allowed ten pounds and that Thomas Sitgreaves be allowed twelve pounds for a room fire and candles, and other necessities supplied your Committee to be paid out of the contingent fund.

Resolved, the House concur with the said Report.

Received from His Excellency the Governor the following message,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I have received your message of the 19<sup>th</sup> signifying your desire that an embargo be laid on the exportation of Indian Corn, and have accordingly issued a proclamation prohibiting the same.

W<sup>m</sup>. TRYON.

Rec<sup>d</sup> from the Council the additional and explanatory Bill to an Act, Intituled an Act for Regulating the several officers fees within this Province, and ascertaining the method of paying the same and for taxing Law Suits, In the upper House, read the third time and passed with Amendments. Ordered to be engrossed.

Received from the Council the following Message,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

In answer to your Message relative to the burning of the money paid by the Treasurers to the Committee of Accounts on the sinking fund, We have appointed a Committee of the whole House to join yours, to see the same done at the place and time mentioned by you.

On motion ordered the Bill for the more easy and certain collection of His Majesty's Quit rents in this Province, be read the third time. Read the same a third time, and amended.

It was then moved the said Bill pass with the amendments, which being objected to the question was put, whether the Bill pass or not, and carried in the affirmative. Then on motion ordered the Yeas and Nays in the said question be entered on the Journal of this House, and are as follows, to wit,

*Yeas*—Messrs Thomas Relfe, Christ<sup>r</sup> Neale, Montfort, James Bonner, Wynns, Knox, Cray, Macknight, Ward, Mackilwean, Jacob Blount, Hewes, Shepard, Benj<sup>a</sup> Person, Johnston, Ormond, William Moore, Joseph Hewes, Harnett, Brownrigg, John Campbell, Howe, Lewis, Willie Jones, William Relfe, Jarvis, Herring, Woodhouse, Polk, Thomas Neill, Alexander, Thomson, Locke, White, Fanning and Gray.

*Nays*—Messrs Robinson, Lillington Lockhart, Bonner, Alston, Lane, Pryor, Gibson, M<sup>e</sup>Kinnie, Thos. Person, Latham Evans, Dick-

son, John Rutherford, Slade, Skinner, Smith, Haywood, Sugg, Moses Hare, M<sup>c</sup>Swain, Dunn, Smithwick, Merchant, Stewart, Farquard Campbell:

On motion ordered the Bill for granting a salary to the Chief Justice out of the contingent fund, be read the third time. Read the same a third time, amended passed and ordered to be sent to the Council.

Sent by Mr Johnston and Mr Fanning.

Then the House adjourned till 4 °Clock in the afternoon.

P. M. The House met according to adjournment.

Then the House adjourned till tomorrow morning 10 °Clock.

Thursday January 24<sup>th</sup> 1771.

The House met according to adjournment.

Rec<sup>d</sup> from the Council the following messages,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We hope you will reconsider your Message on the Bill for Regulating the issuing of Marriage Licenses, and *dele* the last clause, it being foreign to the subject matter of that Bill. If you agree please send two of your members to see the same done.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for the more easy and certain collection of his Majestys Quit Rents in this Province, We observe you have inserted in page 3 these words, "Or shall not pay down in Court all arrears of Quit rents, and all costs accrued thereon" which in our opinion defeats the intent of the Bill, and therefore propose to *dele* them. We would further propose that the Receiver General shall be obliged to appoint a Receiver to attend in each County for the receipt of Quit rents. If you agree to these amendments, please send two of your members to see the same done.

Rec<sup>d</sup> from the Council the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Upon reading a third time the Bill for granting a salary to the Chief Justice, This House are of opinion not to recede from their amendments for allowing six hundred pounds a year and fifty pounds a Court; and therefore hope your House will concur with this, as

the difference in the two sums, though material to the Chief Justice, is not an object considerable enough to the public to prevent the passing so beneficial a Law.

This House do further propose to *dele* the temporary clause, because they can see no justice in substituting a temporary for a perpetual allowance which is now annexed to the office by the Bill of 1748.

And though it may be granted that the Chief Justice should at the expiration of three years have recourse to the fee Bill, yet he will be under the same disadvantage as when he first came into the Province; that is, It will be twelve to eighteen months before he can receive any reward for his services. If you agree to these amendments, please send two of your members to see them made.

Ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your message of this day, relative to the Bill for the more easy and certain collection of His Majesty's Quit rents, this House cannot agree to the amendments by you proposed and hope you will pass the Bill as it went from us.

R<sup>d</sup> CASWELL, Speaker.

Rec<sup>d</sup> from the Council the Resolve of this House for allowing John Litteral £10 and Tho<sup>s</sup> Sitgreaves £12.

Concurred with

JAMES HASELL, P. C.

On motion ordered the following Message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR &c<sup>a</sup>

SIR,

We herewith send your Excellency a Resolve of this House for allowing John Litteral the sum of ten pounds and Thomas Sitgreaves the sum of twelve pounds, to which His Majesty's Council have concurred and request your Excellency's assent thereto.

R<sup>d</sup> CASWELL, Speaker.

Received from the Council the Bill to alter the method of working on the roads in the County therein mentioned, In the upper House read the third time and passed. Ordered to be engrossed.

On motion ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your message regarding the Bill for regulating the issuing of Marriage Licences, this House cannot agree to *dele* the clause by you proposed, therefore hope you will pass the Bill as it went from us.

R<sup>d</sup> CASWELL, Sp.

On motion Ordered the following message be sent to his Excellency the Governor.

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL, GOVERNOR, &c<sup>a</sup>,

SIR,

This House having considered the line proposed to your Excellency by Lord Charles Greville Montagu, as the boundary line between North and South Carolina, find that if it be carried into execution it would highly injure this Colony, as it would deprive this Province of a great many useful Inhabitants by law and custom ingrafted into its constitution, counteract a number of its established Laws, and take from us a great tract of valuable land now possessed under Patents issued by His Majesty's Governors of North Carolina. It would also cut off all communication and commerce between the People of this country and the Western Indians, and leaving nothing but a tract of barren and impassable Mountains between them; defraud this Province of several thousand pounds, laid out in running the Western line, which would by this plan be taken into South Carolina.

We observe also that the plan is so erroneously laid down, that the person who drew it was either entirely ignorant of the Geography of the country, or intendedly imposed upon his Lordship; for the course of the South Branch of the Catawba River is no more than two or three points to the Westward of North, and the Branches thereof run far into Rowan County. In short, such numberless injuries, and such great Injustice, would accrue to this Country should this plan take place, that we cannot but be highly alarmed at the attempt, and think it our indispensable duty to take the most effectual means to prevent it. We therefore solicit your Excellency to undertake this important affair, and commit it entirely to your care, which in our opinion is filling the measure of that

duty. You sir, have a general knowledge of the situation of this Country from having seen almost every part of it, and cannot but be particularly acquainted with the circumstances, having with your usual care for the interest of this Province, in person superintended the running of the present temporary line. Upon you then, Sir, who from experience we know have both the inclination and capacity to serve us, We beg leave entirely to rely for preventing the execution of this pernicious plan, and for extending and fixing the equitable line already begun from the place where it terminated in 1764, till it intersect at right angles the line extended between the Western frontiers of this Province and the Cherokee Hunting Ground.

We take this opportunity to thank your Excellency for the care you have taken to suspend the execution of this plan, which would be so highly detrimental to this Province; and request you sir, to increase the obligation by representing this matter in its proper light to our most gracious Sovereign, and by exerting yourself intirely defeat its operation.

R<sup>d</sup>. CASWELL, Sp.

Received from the Council the Bill for Ascertaining the boundary line between the County of Rowan and the Counties of Mecklenburg and Tryon, and for appointing Commissioners to run the same, In the upper House, read the third time and passed. Ordered to be engrossed.

On motion ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this day relative to the Bill before you for granting a salary to the Chief Justice, We concur with you in allowing six hundred pounds per annum and fifty pounds per Court, and send Mr Fanning and Mr Benj<sup>s</sup> Person two of our Members to see the amendments made. This House cannot consent to *dele* the temporary clause, yet are sensible of the loss the Chief Justice may sustain in the receipt of fees, for a considerable time, should the Chief Justice's salary at the expiration of the time for which the Bill is found be discontinued, and be obliged to revert to the fee Bill passed in 1748, but this House are of opinion that the salary will hereafter be continued. Should the contrary happen, we doubt not but a suitable compensation will be made to prevent an injury by the temporary suspension proposed by the Bill before

your Honors With which confidence in the Justice of future Assemblies we are hopeful that the Bill pass, as being an exceedingly eligible temporary expedient to remove the prevailing prejudices of the inhabitants of this Colony against taxing of fees on Suits.

R<sup>d</sup> CASWELL, Sp.

Received from the Council the following Message,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time an additional Bill to an Act intituled an Act to regulate Elections &c<sup>a</sup> in the clause, relative to New Bern, we observe you have *steted* the following words *deled* by us, Viz<sup>t</sup>, "or such part of a lot adjoining the Rivers Neuse and Trent, on some one of the streets in the said Town," and propose to have it *deled*. To which if you agree please send some of your Members to see it done.

On motion<sup>n</sup> ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this day regarding an additional Bill to an Act, Intituled an Act to regulate Elections &c<sup>a</sup> this House agree to *dele* the words proposed by you, and send Mr Jacob Blount and Mr C. Neale to see the same done.

R<sup>d</sup> CASWELL, Sp.

Received from the Council the Bill for granting a salary to the Chief Justice out of the contingent fund, In the upper House read the third time and passed, with amendments. Ordered to be engrossed.

Resolved, That for the future Treasurers of the Northern and Southern Districts reduce all the accounts of the separate funds or taxes now open in their Books into two, to wit, the contingent fund and the sinking fund.

Resolved, That the Treasurers shall each of them keep a fair Journal of all the monies received and paid by them on account of the Public, containing the date, parties' names paying, and for what year paid; and shall enter therein an account of the list of taxables, supernumeraries and insolvents, in each County, and the commission allowed to each collector of the public Revenues on the monies paid by him.



Resolved, That the Treasurer shall produce at each session of the Assembly an Account of all the monies by him received and paid away, together with the vouchers thereof; and also an account of all monies which ought to have been paid by the collectors of the Public Revenues, and a list of the Persons from whom any money is due to the Public, with an account of the manner by which it came due.

Resolved, That a clerk shall be appointed to make a fair copy of the said Journal kept by the Treasurer, and from thence make a ledger, in which he shall raise and keep an Account of every collector of Public Revenue, an Account of each fund, and cash account, in which shall be entered all the monies received and paid, which Ledger shall be opened for the inspection of every Member of Assembly, during each Session.

Resolved, That James Green Jun<sup>r</sup> be appointed clerk to keep the said Books, and that he shall begin with the Accounts now returned by the Treasurers, making from thence a Journal and Ledger with the accounts, as above directed.

Resolved, That the Clerk of this Assembly shall enter on the Journals of each session a list of all certificates of allowances and claims by him made out at the end of each Session.

Resolved, That the Treasurers in their Respective Districts are hereby impowered to purchase at any vendue had on Account of Judgments obtained by the Public, such goods, chattels, lands and tenements, as they may think proper, and take such deeds, or other conveyances as the nature of the purchase may require, in behalf of, and for use of the Public; and such deeds or other conveyances shall be received from the Treasurers, in Lieu of the purchase money, on the settlement of their accounts with the Public.

The Treasurer of the Northern District having informed the House that he purchased several tracts of land, late the property of James Johnston, Sheriff of Tyrrel, on Account of a debt due from the said Johnston to the Public,

Resolved, That the said Treasurer shall sell the said lands at Public Sale, after having given two months notice thereof in the *Public Gazette*, to the highest bidder, on two years credit, taking bond and security for the purchase money, in behalf of the Public, and the said bond or Bonds to carry interest from the day of sale.

Mr Rutherford presented the Petitions with affidavit annexed, of Hugh Beaty and David Brown of Rowan County, setting forth that

in the year 1770, the former lost fifteen pounds and the latter one pound five shillings in proclamation money which was consumed by fire, praying relief, &c<sup>a</sup>.

On motion Resolved, That Hugh Beaty be allowed fifteen pounds and David Brown one pound and five shillings out of the sinking fund, it being made appear to this House, that the said Beaty and Brown lost proclamation money, to that amount by fire, which was entirely destroyed; and that the Treasurers or one of them pay the same, and be allowed in their Accounts with the Public.

Then the House adjourned till 10 °Clock tomorrow morning.

Friday January 25<sup>th</sup> 1771.

The House met according to adjournment.

On motion ordered the Clerk furnish the printer with a copy of the reports of the Committee appointed to examine into the Allegations charged against Mr Thomas Person, one of the Members of this House, and that the same be printed in the *Public Gazette*.

Col. Edmund Fanning, a Member of this House, having been charged in the Public papers, with many things injurious to his character, both as a Representative of the People, and as a member of the community; and besides these circumstances of common fame, having had many accusations and complaints exhibited against him to this Assembly, The House proceeded to inquire into the facts laid to his charge; and after the strictest examination, find the several accusations against him to be false, wretched and malicious, arising from the malevolence of a set of Insurgents who style themselves Regulators, who in defiance of the dictates of humanity, and of the Laws of their Country, have atrociously injured him in his person, property and character.

The House therefore in common justice Resolve *Nem Con*, That the aspersions thrown upon the character of the said Col. Edmund Fanning are groundless, base and scandalous, and that as far as anything has appeared to this House his conduct has been fair, just and honorable both as a Member of this House in particular, and of the community in general.

John Burgwin Esquire having in pursuance of a Resolve of last Session of the Assembly of this Colony at a great expence and trouble in sending of Expresses to different parts of this Government and collecting of a complete list of Taxables from the different Counties of this Province down to the present time and other papers,

public transcripts and vouchers specifying the delinquent sheriffs and their securities and other public collectors and defaulters of unaccounted monies, and with unwearied application, great skill and much accuracy and exactness exhibited to this House a methodical regular and plain state of the Public Accounts of this Province so far as relates to the collection of Taxes in the Southern District, and the duty on spirituous liquors imported into the several Ports within this Province, and he having engaged to go to Halifax and to continue his pursuit in making a similar state of the Taxes collected or which ought to have been collected by the several Sheriffs of the respective Counties in the Northern District and to have the same published under his particular direction and inspection, and copies thereof transmitted to the different Counties in this Province,

Resolved, that for such the said John Burgwin's great trouble and expences and singular services thereby rendered the public, He be allowed out of the Public Treasury of this Province three hundred pounds.

Resolved, that all real future necessary expences that may be incurred in printing and publishing six hundred copies of the state of the public accounts and the different Funds shall be allowed to him as a Claim on the Public.

Rec<sup>d</sup> from the Council an additional Bill to an Act, Intituled an Act to regulate Elections &c<sup>a</sup>, In the upper House read the third time and passed with amendments.

On motion ordered the following message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

The exhausted state of the public funds, and the great demand upon the Treasury for money to answer the pressing exigencies of Government, is a circumstance of much concern to this House, especially, as after the most mature deliberations, no possible means of relief have occurred to us, unless we could obtain a repeal of the act of Parliament preventing the issuing paper Bills of Credit as a Legal tender; and as this is a matter we have very much at heart, we beg leave, as the most effectual means to obtain it, to solicit your Excellency to use your efforts in our behalf by imploring our most

gracious Sovereign to recommend to his Parliament a repeal of that Act, as far it relates to this Colony; which if your Excellency should happily obtain for us, we intreat you to take the affair under your direction in the same manner you kindly intended to do, in consequence of a petition to His Majesty in a former Session of Assembly.

R. CASWELL, Speaker.

Mr Macknight moved for leave to present a Bill for securing and preserving the titles of the freeholders in this Province.

Ordered he have leave accordingly.

Mr Macknight presented the said Bill which he read in his place and delivered in at the Table where the same was again read passed, and ordered to be sent to the Council.

Sent by Mr Macknight and Mr Jarvis.

Mr Rutherford moved for leave to present a Bill for dividing the North part of Rowan County, and erecting a new County and Parish, by the name of Surry County and St Judes Parish.

Ordered he have leave accordingly.

Mr Rutherford presented the said Bill, which he read in his place and delivered in at the Table, where the same was again read, passed and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr Gray.

Rec<sup>d</sup> from the Council the Resolve of this House for allowing the sum of fifteen pounds to Hugh Beaty, and the sum of one pound five shillings to David Brown.

Concurred with

JAMES HASELL, P. C.

On motion ordered the following Message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN GENERAL,  
GOVERNOR &c<sup>a</sup>,

SIR,

We herewith send your Excellency a Resolve of this House allowing Hugh Beaty fifteen pounds and David Brown the sum of one pound and five shillings, to which His Majesty's Council have concurred and request your Excellency's assent thereto.

R<sup>d</sup> CASWELL, Speaker.

On motion ordered the following message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send a Resolve of this House for allowing John Burgwin Esq<sup>r</sup> the sum of three hundred pounds, and desire your Honors concurrence thereto.

R<sup>d</sup> CASWELL, Speaker.

Rec<sup>d</sup> from the Council the following Bills,

The Bill for dividing the Northern part of Rowan County and erecting a new County and Parish, by the name of Surry County and St Judes Parish.

The Bill for preserving and securing the titles of freeholders of this Province, In the upper House read the first time and passed.

On motion ordered the following message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

This House have taken into consideration your Excellencys message relative to the purchase of some lands for the use of the Palace, and are sorry to inform your Excellency, that the present exhausted state of the public funds renders the Country incapable of making such a purchase; at the same time we cannot but express our concern that we have it not in our power to comply with that proposal.

R<sup>d</sup> CASWELL, Speaker.

On motion ordered the Bill for preserving and securing the Titles of the Freeholders in this Province be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Macknight and Mr Jarvis.

On motion ordered the Bill for dividing the Northern part of Rowan County, and erecting a new County and Parish by the name of Surry County and St Judes Parish be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Knox and Mr Locke.

Mr Knox moved for leave to present a Bill for authorizing Presbyterian Ministers regularly called to any congregation within this

Province, to solemnize the rites of matrimony, under certain regulations therein mentioned.

Ordered he have leave accordingly.

Mr Knox presented the said Bill, which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Knox and Mr Locke.

Mr Knox moved for leave to present a Bill to regulate the issuing of marriage licenses.

Ordered he have leave accordingly.

Mr Knox presented the said Bill which he read in his place and delivered in at the Table, where the same was again read passed and ordered to be sent to the Council.

Sent by Mr Knox and Mr Locke.

Received from the Council the Bill for preserving and securing the titles of the freeholders in this Province, In the upper House read the second time and passed.

On motion ordered the Bill for preserving and securing the titles of the freeholders in this Province, be read a third time. Read the same a third time passed and ordered to be sent to the Council.

Sent by Mr Howe and Mr Macknight.

On motion ordered the following Message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

This House upon consideration of your Excellency's Message, relative to the inhabitants of St Lukes Parish, think it most expedient to delay the determination upon it till the next Session of Assembly.

R<sup>d</sup> CASWELL, Speaker.

Sent by Mr Rutherford and Mr Locke.

Resolved, That His Excellency's Message, and papers therein referred to, lie over till the next Session of Assembly.

Received from the Council the following Bills,

The Bill for preserving and securing the titles of the freeholders in this Province, In the upper House read the third time and passed. Ordered to be engrossed.

The Bill for authorizing Presbyterian Ministers regularly called to any congregation within this Province to solemnize the rites of Matrimony under the regulations therein mentioned.

The Bill to regulate the issuing of Marriage Licenses, In the upper House read the first time and passed.

The Bill for dividing the northern part of Rowan County, and erecting a new County and Parish by the name of Surry County and St Judes Parish, In the upper House read the second time and passed.

On motion ordered the Bill for authorizing Presbyterian Ministers regularly called to any congregation within this Province to solemnize the rites of Matrimony under the regulations therein mentioned, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Lewis and Mr Slade.

On motion ordered the Bill to regulate the issuing of Marriage Licences, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Ormond and Mr Macknight.

On motion ordered the Bill for dividing the Northern part of Rowan County, and erecting a New County and Parish by the name of Surry County and St Judes Parish, be read the third time. Read the same a third time, amended passed and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr Locke.

Rec<sup>d</sup> from the Council the Bill to regulate the issuing of Marriage licences.

The Bill for authorizing Presbyterian Ministers, regularly called to any congregation within this Province, to solemnize the rites of Matrimony under the regulations therein mentioned, In the upper House read the second time and passed.

On motion ordered the Bill for authorizing Presbyterian Ministers regularly called to any congregation within this Province to solemnize the rites of matrimony, under the regulations therein mentioned, be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Knox and Mr Alexander.

On motion ordered the Bill to regulate the issuing of marriage licences, be read the third time. Read the same a third time, passed, and ordered to be sent to the Council.

Sent by Mr Skinner and Mr Hare.

Rec<sup>d</sup> from the Council the Bill for dividing the northern part of Rowan County, and erecting a new County and Parish by the name of Surry County and St Judes Parish, In the upper House read the third time and passed. Ordered to be engrossed.

Rec<sup>d</sup> from the Council the Resolve of this House allowing John Burgwin three hundred pounds.

Concurred with.

J. HASELL, P. C.

On motion ordered the following message to be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN GENERAL,  
GOVERNOR, &C<sup>a</sup>,

SIR,

We herewith send your Excellency a Resolve of this House for allowing John Burgwin three hundred pounds, to which His Majesty's Council have concurred, and request your Excellency's assent thereto.

R<sup>d</sup> CASWELL, Sp.

Rec<sup>d</sup> from the Council the following Bills,

The Bill to regulate the issuing of marriage licences.

The Bill to authorize Presbyterian Ministers, regularly called to any congregation within this Province, to solemnize the rites of matrimony under the regulations therein mentioned, In the upper House read the third time and passed. Ordered to be engrossed.

Received from His Excellency the Governor the Resolve of this House allowing Hugh Beaty, fifteen pounds, and David Brown one pound five shillings.

W<sup>m</sup>. TRYON.

On motion Resolved that Richard Henderson Esquire who appeared as prosecutor of the several charges and allegations against Thomas Person, one of the Members of this House, pay to the officers and witnesses the following allowances, to wit:

	£	s.	d.
To Memucan Hunt, Sergeant at Arms.....	19	10	0
To Zachariah Bullock, do do .....	19	10	0
To William Moore a witness.....	3	15	0
To James Hester do .....	4	10	0
To Robert Lewis do .....	4	10	0



	£	s.	d.
To William Johnston a witness-----	3	15	0
To Enoch Brady do -----	5	0	0
To Jno Willingham do -----	4	0	0
To Joseph Glover do -----	4	0	0
To David Mitchel do -----	4	0	0
To John Pain do -----	5	0	0
To Jno Williams (son of Daniel)-----	4	0	0
To Harris Gilliam do -----	4	0	0
To William Potter do -----	4	0	0
To James Yancey do -----	4	10	0
To William Bullock do -----	4	0	0
To Pinketheman Hawking a witness-----	3	15	0
To Philemon Hawkins a witness-----	3	15	0
To Leonard Henley Bullock a witness-----	4	0	0
To Reuben Seary a witness -----	4	0	0
To Nathaniel Henderson a witness-----	3	15	0

And if the said Richard Henderson shall fail to comply with this Resolve, he shall be subject to the highest censure this House can inflict on him.

On motion Resolved, that the foregoing Resolution be printed in the *Public Gazette* of this Province.

Rec<sup>d</sup> from His Excellency the Governor the following Messages,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I have received your Message of yesterday, signifying your desire, that I would endeavour to prevent a divisional line taking effect, proposed by Lord Charles Greville Montagu to be run between North and South Carolina.

This service I shall with pleasure undertake and on my return to England urge the necessity of carrying into execution the line you approve of, Judging with you that the interest of this Colony is much concerned in the event, and must be greatly injured if the partition proposed by Lord Charles be established.

W<sup>m</sup>. TRYON.

January 25<sup>th</sup> 1771.

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send you herewith an extract of a letter from Sir William Johnston to His Majesty's Secretary of State, and also an extract

of a conference held by Sir William Johnston with the Six Nations, their Allies and Confederates, at the German Flats last July. These will fully inform you of the complaints made by the Indians of the abuses and violences committed by the Traders and Frontier Inhabitants of some of His Majesty's American Colonies, and will likewise point out to you how earnest the Indians have been in these complaints, and what is likely to happen if they are not redressed.

In consequence of which I have it in command from the King to represent this matter in the strongest manner to your serious consideration; I therefore earnestly request you will fall on some means of putting Indian affairs especially of those on the border of this Province under such regulations as may have the effect to prevent those abuses of the traders, and those violences and encroachments of the Frontier Inhabitants, which is so much complained of by the Indians.

W<sup>m</sup>. TRYON.

Rec<sup>d</sup> at the same time the letter, and extract of the conference referred to, in his Excellency's message,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I have been informed by the Gentlemen of the Council that the Bill you framed for regulating the issuing of marriage Licences, and providing for the effectual receipt of the fees due to the Governor has been rejected in their House on account of a particular clause contained therein, granting certain priviledges to the Presbyterians; Immunities which I acquainted the Gentlemen of that Persuasion, now in your House, on their application to me on that subject at the opening of the Session, that it was not in my power to grant them, without his Majesty's pleasure being first had thereon; but candidly, and I think honorably pointed out to them the most likely means to obtain their desires. Under these considerations, and in justice to myself and successors in office, I entertain a very equitable and reasonable wish, and again request, that you will provide by a Law for the redress of the many frauds and abuses, I experience (as set forth in my former message) from exceptions, which by His Majesty's instructions I am forbid to comply with.

W<sup>m</sup>. TRYON.

January 25<sup>th</sup> 1771.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

Your Resolve for allowing John Litteral the sum of ten pounds and Thomas Sitgreaves the sum of twelve pounds I herewith return you concurred with. W<sup>m</sup>. TRYON.

Rec<sup>d</sup> at the same time the Resolve referred to in the above Message.

Concurred with. Endorsed.

W<sup>m</sup>. TRYON.

On motion ordered the following message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c<sup>a</sup>,

SIR,

This House have taken under consideration your Excellency's Message, informing them of the conference had by Sir William Johnston with the six nations of Indians their Allies and confederates as communicated to your Excellency by His Majesty's Secretary of State, and in answer thereto, can only say, that the members of this House are not sensible that abuses and complaints suggested by the said Indians can be justly chargeable on any Inhabitants of this Colony, there not being any Indian Traders in this Government, and the Inhabitants having but very little communication with the Indians: But should any such accusations or complaints, at any future Session, be alleged against the Inhabitants of this Province in particular, the Members of this House assure your Excellency, that they will make the strictest enquiry into them, and take the earliest and most effectual measures to correct the abuses, redress the injuries, and prevent any subsequent complaints against the Inhabitants of this Colony.

R<sup>d</sup> CASWELL, Speaker.

On motion ordered the following message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c<sup>a</sup>,

SIR,

The supply of ammunition voted by this House was intended for His Majesty's service in the defence of this Province and the

House do not intend to abridge any power of the Crown by anything omitted, or by anything inserted in the Resolve relative thereto, and would readily have made an alteration that would have been agreeable to your Excellency; but as the Resolve has been concurred with by His Majestys Honble Council it is now out of their power, and as the measure is so necessary, we hope your Excellency will dispence with any unintended impropriety in the mode of the Resolve, and give your assent thereto.

R<sup>d</sup> CASWELL, Speaker.

On motion ordered the following message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN GENERAL,  
GOVERNOR &C<sup>a</sup>,

SIR,

This House having expelled Mr Herman Husband who was one of the members of Orange County, therefore desire your Excellency will be pleased to direct the Clerk of the Crown to issue a Writ for electing a member for the County of Orange to sit and vote in this present Assembly in the room and stead of said Herman Husband.

Then the House adjourned till tomorrow morning 10 o'clock.

Saturday January 26<sup>th</sup> 1771.

The House met according to adjournment.

Rec<sup>d</sup> from His Excellency the Governor the following Message,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

In answer to your message of yesterday I am to assure you, I shall with much cheerfulness urge the necessity of obtaining a repeal of the Act of Parliament restricting the issuing of paper currency, so far as it relates to this Country, and endeavour to obtain His Majestys consent to a measure which I think calculated so much to give relief to the Inhabitants of this Province in its present circumstances. Should I be so happy as to succeed in this I will also comply with the other part of your message, in procuring proper plates, and other materials necessary for the emission of the currency. I should however wish to be informed by you if I may with confidence assure His Majesty, that upon the Royal Grant to your Address for an

emission of currency, you will call into the Treasury and destroy all the outstanding proc. money, and Debenture Bills with so much of the new emission, as such an Assurance I conceive might facilitate your expectations, and remove the evils subsisting from the great quantity of counterfeit money now in circulation.

January 26<sup>th</sup> 1771.

W<sup>m</sup>. TRYON.

Rec<sup>d</sup> from His Excellency the Governor the following message,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send herewith a general State of the Money I have taken up and disbursed on Account of erecting the Palace. The Books, Vouchers and particular Accounts relating to the same, are in the possession of Mr Hawks, ready for your Inspection, whenever you choose to call for them.

January 26<sup>th</sup> 1771.

W<sup>m</sup>. TRYON.

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return you your Resolve for allowing John Burgwin Esquire three hundred pounds, for stating the public Accounts.

Concurred with.

W<sup>m</sup>. TRYON.

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send you His Majesty's most gracious Speech to both Houses of Parliament on the 13<sup>th</sup> of November last. You will collect from the tenor and firmness of this Speech, that the issue of the apprehension of a War is yet doubtful; however by my public dispatches received since the opening of this Session, I am assured there of good grounds to hope the event will correspond with His Majestys uniform wishes, to preserve the public tranquility; but lest the contrary should be the case, you cannot be too early in your consideration of what may be necessary for the protection and defence of this Province. On the part of the Crown, I am assured that the possessions in America will be a principal object of His Majestys care and attention.

W<sup>m</sup>. TRYON.

January 26<sup>th</sup> 1771.

On motion ordered the following message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

This House are truly sensible of the evils subsisting from a large quantity of counterfeit money now in circulation in this Province, and conceive the calling into the public Treasury all the outstanding proclamation money and Debenture Bills, in order to the destroying the same, as the only effectual measure to remove a circumstance so injurious to individuals, and destructive of public Credit; and there is not anything of which your Excellency may rest with greater certainty and assurance that it will be entirely agreeable to the warmest wishes of the present, and we with the strongest reasons believe any future House of Assembly, to have an opportunity of preventing the complicating ills that must attend the continued circulation of the present proclamation money and Debenture Bills.

This House cannot here omit so favourable an occasion of making our sincere and grateful acknowledgments, for the obliging assurances given this House in your Excellency's answer, if your cheerfulness to urge the propriety of obtaining a repeal of the Parliamentary Restrictions against the issuing of a Paper currency, so far as it relates to this Country, and the Ardor of our zeal for the public good, we hope will be thought a sufficient inducement with your Excellency, to pardon the again repeating our solicitations for the obtaining of the parliamentary Licence and permission so earnestly desired by the Inhabitants of this Country.

R<sup>d</sup> CASWELL, Speaker.

Mr Harnett, Chairman of the Committee of Accounts, reported that they had stated and audited the public Accounts of this Province, which he laid before the House.

Ordered the said reports be read. Read the same and concurred with.

Ordered they be sent to the Council for concurrence.

Sent by Mr Hewes and Mr Macknight.

Rec<sup>d</sup> from His Excellency the following Messages,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

I have received your Message respecting a Writ to be issued for Electing a Member for Orange County in the room of Herman Hus-

band, expelled, and shall give directions to the Clerk of the Crown to make out the same.

W<sup>m</sup>. TRYON.

January 21<sup>st</sup> 1771.

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

The assurances you give me in your Message to-day, in Answer to mine, respecting your supply for ammunition, is so satisfactory that I am induced to concur with your Resolve, herewith transmitted, in confidence that it will not be made a precedent hereafter.

January 26<sup>th</sup> 1771.

W<sup>m</sup>. TRYON.

Rec<sup>d</sup> from the Council the reports of the claims, the Reports of the Committee of Accounts, and also the Estimate of allowances made by this House, and likewise the estimate of allowances made by the Council.

Concurred with.

JAMES HASELL, P. C.

On motion ordered the following Message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c<sup>a</sup>,

SIR,

We have received your Excellency's Message with the General estimate of the Money taken up and disbursed on account of erecting the Palace, and informing us that the Books, Vouchers and particular Acts relating to the same are in the hands of Mr Hawks, but for want of time must defer the inspection of them till next Session of Assembly.

R<sup>d</sup> CASWELL, Sp.

Also the following Message,

HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, GOVERNOR, &c<sup>a</sup>,

SIR,

We thank your Excellency for communicating to us His Majesty's most gracious Speech to both Houses of Parliament. We hope that the preparation so wisely made by His Majesty to be ready for War, and his endeavors at the same time to preserve the public tranquillity, will have such an effect upon the Court of Spain as to induce a redress of those injuries done to the honor and interest of

Great Britain. In firm hope of this, we must rely on the provision already made, till we know with more certainty what will be the event, and should that be contrary to our wishes, your Excellency may be assured we shall be ready to exert ourselves in support of the common cause, as in all proper provision for the defence of this Colony.

R<sup>d</sup> CASWELL, Speaker.

On motion, Resolved that Rober Howe be allowed eighty pounds for a negro man condemned and executed for murder, and appraised according to law.

On motion ordered the following message be sent to His Majesty's Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have entered into a Resolve relative to a negro belonging to Mr Robert Howe condemned and executed for murder, which they herewith send and to which we desire your Honors Concurrence.

R<sup>d</sup> CASWELL, Sp.

Resolved that Griffith Rutherford be allowed six pounds four shillings and six pence being in Lieu of so much paid into the Committee of Accounts by mistake, and by them burnt.

On motion ordered the following Message be sent to His Majesty's Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send your Honors a Resolve of this House for allowing Griffith Rutherford six pounds four shillings and six pence to be paid out of the sinking fund, which sum was by mistake paid into the Committee of Accounts and burnt.

R<sup>d</sup> CASWELL, Speaker.

Sent by Mr Howe and Mr Brownrigg.

Received from the Council the above Resolves for allowing Mr Robert Howe eighty pounds and Mr Griffith Rutherford six pounds four shillings and six pence, In the upper House, concurred with.

JAMES HASELL, P. C.

Ordered the following Message be sent to His Excellency the Governor,



TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

This House send your Excellency the Resolve of this House for allowing Mr Robert Howe, eighty pounds for a negro man, condemned and executed for murder; and also a Resolve, for allowing Mr Griffith Rutherford the sum of six pounds four shillings and six pence to be paid out of the sinking fund, and desire your Excellency's Assent.

R<sup>d</sup> CASWELL, Speaker.

Sent by Mr Howe and Mr Ormond.

Rec<sup>d</sup> from His Excellency the Governor the Resolve for allowing Robert Howe Esq<sup>r</sup> eighty pounds and Mr Griffith Rutherford the sum of six pounds five shillings and six pence, both

Concurred with

W<sup>m</sup>. TRYON.

Also the following Message,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY

I return you your Resolve, one for allowing Robert Howe Esq<sup>r</sup> eighty pounds proc. for a negro man executed for felony; the other for allowing Mr Griffith Rutherford six pounds five shillings and six pence for the purpose mentioned therein.

W<sup>m</sup>. TRYON.

On motion Resolved that His Excellency's Message, with the papers therein mentioned relative to the claim of the Pitt Regiment, lie for consideration till the next Session of Assembly; and that the following message be sent to his Excellency, Viz<sup>t</sup>,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN GENERAL,  
GOVERNOR, &c<sup>a</sup>,

SIR,

The members of this House not being fully satisfied in some circumstances relative to the claim of the Pitt Regiment, delay any determination thereof till the next Session of Assembly; when we will fully examine into that affair, and if convinced of the propriety of the claim will make provision accordingly.

R<sup>d</sup> CASWELL, Speaker.

Sent by Major Evans and Mr Hare.

On motion ordered that the Clerk of the Assembly furnish the Printer of this Province with the Resolve of this House relative to Col<sup>o</sup> Edmund Fanning, that the unanimous sense of the representatives of the Freeholders of this Country may be made public, and the reparation thereby intended to injured merit and real worth as extensive as possible.

Rec<sup>d</sup> from His Excellency the Governor a verbal message requiring the immediate attendance of the House in the Palace. Mr Speaker with the House waited on His Excellency the Governor at the palace and Mr Speaker presented him with a number of Bills, to wit,

The Bill to enlarge the time for several Sheriffs to settle their accounts with the Justices of the Inferior Courts of pleas and quarter Sessions of the Counties therein mentioned.

A Bill for erecting a new County between the Towns of Salisbury and Hillsborough, by taking part of the Counties of Rowan and Orange.

The Bill to amend an Act Intituled an Act for establishing a Town on the Lands of John and William Russell, minors, sons of John Russell, dec<sup>d</sup> on the West side of the Northwest branch of Cape Fear River near the mouth of Cross Creek by the name of Campbellton.

The Bill to amend and continue an Act for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort.

The Bill for vesting the school house in Edenton in Trustees.

The Bill for appointing and empowering Mr William Moore of Tryon County to collect and receive the taxes which were due from the inhabitants of the said county for the year 1768.

The Bill to amend an Act Intituled an Act for the regulation of the Town of Wilmington.

The Bill for the more easy and advantageous manner of obtaining partitions of Land in Coparcenary joint tenancy and tenancy in common,

The Bill to amend an Act Intituled an Act to empower the Inferior Courts of the several Counties in this Province, to order the laying out of public roads, and to establish and settle ferries, and to appoint where bridges shall be built for the use and ease of the inhabitants of this Province, and to clear navigable Rivers and Creeks.

The Bill to prevent the unreasonable destruction of fish in the Rivers Roanoke and Dan and other water courses therein mentioned.

The Bill for obtaining a true and distinct list of taxable persons in the Town of New Bern and to empower the Sheriff to collect the town taxes due from the inhabitants of the said Town.

The Bill for appointing Trustees in the room and place of those heretofore appointed by an Act of Assembly passed in the year 1768, intituled an Act for building a public gaol and gaolers house, for the district of New Bern in the Town of New Bern.

The Bill for further continuing an Act for the restraint of vagrants and for making provision for the poor and other purposes.

The Bill to encourage and support the establishment of a post office in this Province.

The Bill for establishing a new county between Campbelton and Hillsborough by taking the southern part of the inhabitants of Orange County, and by erecting the same into a distinct County by the name of Chatham and Saint Bartholomew Parish.

The Additional Bill to an Act, Intituled an Act for defraying the contingent charges of Government.

The Bill to ascertain Attornies fees.

The Bill to direct Sheriffs in levying executions and the disposal of lands, goods and chattles taken thereon.

The Bill for granting the Chief Justice a salary out of the contingent fund.

The additional and explanatory Bill to an Act for regulating the several officers fees within this Province, and ascertaining the method of paying the same and for taxing Law suits.

The Bill for the better settling, regulating and improving the Town of Beaufort in the County of Carteret and for annexing Oacock Inlet to the said County.

The Bill for ascertaining the boundary line between the County of Rowan and the Counties of Mecklenburg and Tryon, and for appointing Commissioners to run the same.

The Bill to prevent card playing and other deceitful gaming.

The Bill to alter the method of working on the roads in the Counties therein mentioned.

The Bill for the more speedy recovery of all debts and demands under five pounds proc. money within this Province.

The Bill to indemnify the several Sheriffs who have not collected the 1s. tax p. poll for sinking the £12,000, granted in the year 1760, and the tax of 2s. p. poll for sinking the £20,000, granted in the year 1761, and to direct such Sheriffs who have received the said taxes to

## RULES TO BE OBSERVED IN THE HOUSE OF ASSEMBLY,

First, When Mr President has taken his seat, each member shall according to his Seniority sit down in his place and attend to such matters as may be before the House.

2<sup>dly</sup> All Motions and Debates shall be addressed to the House.

3<sup>dly</sup> No member shall be allowed to Debate any matter or move anything in the House sitting.

4<sup>thly</sup> No Member shall be allowed to speak whisper or otherwise interrupt a Member who is speaking or the attention of the House.

5<sup>thly</sup> On any motion being made and carried for putting the question on any Bill or other matter, Mr President shall immediately proceed to put the question and collect the suffrages of the House beginning with the Junior Members.

6<sup>thly</sup> No Member shall receive from the lower House any Bill, Bills, or Message out of the upper House.

7<sup>thly</sup> No original Bill or other paper shall be taken or given out of the Clerks Office by or to any person whatsoever unless it be by consent of the House.

8<sup>thly</sup> That when Mr President shall argue on any Bill or other matter, he shall address the House standing.

## May Session 1760.

Resolved, That the sum of five pounds proclamation money be paid to the President of this House for the time being on each private Bill, the one Moiety or half of which sum shall be paid at the bringing in of each Bill, and the other half at the passing of the same by this House and the Assembly.

## June 1760.

Resolved, That the sum of fifty shillings proc. money be paid to the Clerk of this House for the time being, on each private Bill, one half of which to be paid before the first reading and the other half to be paid at or before the passing of the same.

In Nov. Session 1762, a dispute arising about what were private Bills such as intitle the president and Clerks to Fees, the following entry was made &c<sup>a</sup> Viz<sup>t</sup>,

## November Session 1762

Whereas it is the undoubted right of the President and Clerk of this House to receive certain Fees already ascertained on all private

Bills.—It is therefore Resolved, That Bills of the following nature be deemed private Bills, to wit,

All Bills whereby any person, persons or Company shall or may receive any private benefit or advantage.

All Bills whereby any particular County, Town, Corporation, or any settlement in any County shall or may thereby receive any private benefit or advantage,

And no other Bills whatsoever shall be deemed private,

And it is further Resolved,

That when any private Enacting Clause shall be inserted in any Bill the same fees and perquisites shall be paid the President and Clerks of this House as for any private Bill and under the same rules as heretofore Resolved by this House. And on refusal of the payment of the fees and perquisites aforesaid on any Bill or Bills, the said Bill or Bills shall be ordered to lie on the Table till the same is paid.

Ordered that the foregoing Resolves be the *standing Orders* of this House.

January Session 1771.

On motion the House taking under consideration the former rules and orders of this House relative to private Bills,

Do *Now* Order and Resolve, That all Bills establishing or dividing of Counties or Parishes, Building of Churches, appointing of Vestries, Building of Court Houses or Gaols, making or altering of Roads when no particular person or persons are benefitted shall not be deemed private Bills so as to entitle the President or Clerks to take fees thereon.

refund the same to the people from whom they received the said taxes.

The Bill for preserving and securing the titles of the freeholders in this Province.

The Bill for dividing the Northern part of Rowan County and erecting a new County and Parish by the name of Surry County and St Jude's Parish.

The Bill for authorizing Presbyterian Ministers regularly called to any congregation within this Province to solemnize the rites of Matrimony under the regulations therein mentioned.

The Bill for regulating the issuing of Marriage Licenses.

The additional Bill to an Act to regulate elections for Members to serve in the General Assembly, and to ascertain who shall be qualified to vote at the said Elections, or to be Elected a member of the General Assembly, and to direct the method to be observed in taking the poll &c<sup>a</sup>,

To which said Bills His Excellency was pleased to give his assent Except --

The Bill to amend an Act, Intituled an Act for establishing a Town on the lands of John and William Russell, Minors, sons of John Russell deceased, on the West side of the Northwest branch of Cape Fear River near the mouth of Cross Creek by the name of Campbellton.

The Bill to amend an Act Intituled an Act for the regulation of the Town of Wilmington.

The Bill for securing the titles of freeholders in this Province, and

The Bill in addition to an Act to regulate the elections for Members to serve in the General Assembly, and to ascertain who shall be qualified to vote at the said Election, or to be elected a Member of the General Assembly, and to direct the method to be observed in taking the poll &c<sup>a</sup>.

Which His Excellency thought proper to reject, and they were rejected accordingly.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

### COUNCIL JOURNALS.

At a Council held at the Council Chamber at Newbern 2<sup>d</sup> Jan<sup>y</sup> 1771.

Present,

His Excellency the Governor

The Honble	{	James Hasell	William Dry	}	Esquires
		John Rutherford	Robert Palmer		
		Lewis De Rosset	Martin Howard &		
		John Sampson	Samuel Cornell		

His Excellency laid before this Board a Message from the House of Assembly requesting his Excellency to cause the Records and papers of the Secretary's Office to be brought from Wilmington to New Bern.

Ordered that the Secretary be directed immediately to employ carriages for the removal of all the Records and papers now in the Secretary's Office at Wilmington, and have them safely conveyed to New Bern and make a claim for defraying the expence thereof, And on their arrival at New Bern provide a proper place for the safe keeping of the same.

At a Council held at the Council Chamber at New Bern 5<sup>th</sup> Jan<sup>y</sup> 1771.

Present

His Excellency the Governor

The Honble	{	James Hasell	William Dry	}	Esquires
		John Rutherford	Robert Palmer		
		Lewis De Rosset	Martin Howard &		
		John Sampson	Samuel Cornell		

William Palmer Deputy Secretary appeared before the Board and took the Oaths for the Qualification of Publick Officers, subscribed the Test and took the Oath for the due Execution of the said Office, and the Oath of Secrecy.

At a Council held at the Council Chamber at the Palace in New Bern 12<sup>th</sup> January 1771.

Present

His Excellency the Governor

The Honble	{	James Hasell	William Dry	}	Esquires
		John Rutherford	Robert Palmer		
		Lewis De Rosset	Martin Howard &		
		John Sampson	Samuel Cornell		

Read the Memorial of the Principal inhabitants of the Town of Wilmington praying a Court of Oyer and Terminer may be appointed for the tryal of Robert Green, James Hues Junior, Malachi Hues and Marmaduke Etherage, charged with horse stealing and other offences now confined in the Gaol at Wilmington.

His Excellency desired the opinion of this Board what measures he should take in consequence of the said Memorial, Upon which the Board advised His Excellency to issue a special Commission of Oyer and Terminer agreeable to Law for the Tryal of the said Prisoners.

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[B. P. R. O. AMERICA & W. IND. N. C. VOL. 218.]

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An Act for preventing Tumultuous and riotous Assemblies, and for the more speedy and effectually punishing the Rioters, and for restoring and preserving the public peace of this Province.

Whereas of late many seditious Riots and tumults have been in divers Parts of this Province to the disturbance of the Public Peace, the Obstruction of the Course of Justice, and tending to subvert the Constitution, and the same are yet continued and fomented by Persons disaffected to his Majesty's Government. And whereas it hath been doubted by some how far the Laws now in Force are sufficient to inflict Punishment adequate to such heinous Offences.

Be it therefore enacted by the Governor, Council and Assembly, and by the Authority of the same, That if any Persons to the Number of ten or more, being unlawfully, tumultuously and riotously assembled together, to the disturbance of the Public Peace, at any time after the first Day of February next, and being openly required or commanded by any one or more Justices of the Peace or Sheriff to disperse themselves, and peaceably to depart to their Habitations, shall to the number of ten or more, notwithstanding such Command or request made remain or continue together by the space of one Hour after such Command or request, that then continuing together, to the number of ten or more, shall be adjudged Felony and the Offenders therein and each of them, shall be adjudged Felons and shall suffer Death as in Case of Felony and shall be utterly excluded from his or their Clergy, if found guilty by a verdict of a Jury or shall confess the same, upon his or their Arraignment, or will not answer directly to the same, according to the Laws of this Province,



or shall stand mute or shall be outlawed, and every such Justice of the Peace and Sheriff within the limits of their respective Jurisdictions, are hereby authorized, empowered and required on Notice or knowledge of any such unlawful, riotous and tumultuous assembly to resort to the Place where such unlawful, riotous and tumultuous Assembly shall be, of Persons to the number of Ten or more and there to make, or cause to be made such Request or Command.

And be it further enacted by the authority aforesaid, that if such Persons so unlawfully, riotously and tumultuously assembled, or ten or more of them, after such Request or Command made in manner aforesaid shall continue together and not disperse themselves within one Hour, that then it shall and may be lawful to and for every Justice of the Peace or Sheriff of the County where such Assembly shall be, and also to and for such Person and Persons as shall be commanded to be aiding and assisting to any such Justice of the Peace or Sheriff, who are hereby authorized, empowered and required to command all His Majesty's Subjects of this Province of Age and Ability to be assisting to them therein, to seize and apprehend such Persons so unlawfully, riotously and tumultuously continuing together, after such Request or Command made as aforesaid, and forthwith to carry the Persons so apprehended before one or more of his Majesty's Justices of the Peace of the County where such Persons shall be so apprehended in Order to their being proceeded against for such their Offences according to Law. And that if the Persons so unlawfully, riotously and tumultuously assembled or any of them shall happen to be killed, maimed or hurt in the dispersing, seizing or apprehending, or endeavouring to disperse, seize or apprehend them, by Reason of their Resistance, that then every such Justice of the Peace, Sheriff, under Sheriff and all other Persons being aiding or assisting to them or any of them shall be free discharged and indemnified, as well against the King, his Heirs and Successors as against all and every other Person and Persons of for and concerning the killing, maiming or hurting of any such Person or Persons so unlawfully, riotously and tumultuously assembled.

And be it further enacted by the Authority aforesaid that if any Persons to the Number of Ten or more, unlawfully, riotously and tumultuously assembled together to the disturbance of the public Peace, shall unlawfully and with Force at any time after the first Day of March next, during the sitting of any of the Courts of Judicature within the Province, with an intention to obstruct or

disturb the proceedings of such Court, assault, beat or wound or openly threaten to assault, beat or wound any of the Judges, Justices or other Officers of such Court, during the continuance of the term or shall assault, beat or wound or openly threaten to assault, beat or wound, shall unlawfully and with Force hinder or obstruct any Sheriff, Under Sheriff, Coroner or Collector of the public Taxes in the discharge or execution of his or their Office or shall unlawfully and with Force demolish, pull down or destroy or begin to demolish, pull down or destroy any Church or Chapel or any Building for religious Worship or any Court House or Prison or any Dwelling House, Barn, Stable or other Outhouse that then every such Offence shall be adjudged Felony, And the Offenders therein their Leaders Abettors and Advisors shall be adjudged felons and shall suffer death as in due case of felony and be utterly excluded from his or their Clergy, if found guilty by verdict of a Jury or shall confess the same upon his or their arraignment or will not answer directly to the same according to the Laws of this Province or shall stand mute or shall be outlawed.

And whereas it hath been found by experience that there is great Difficulty in bringing to justice Persons who have been or may be guilty of any of the Offences before mentioned: For Remedy thereof, Be it enacted by the Authority aforesaid that it shall and may be lawful to and for the Attorney General of this Province for the time being or his deputies to commence Prosecutions against any Person or Persons who have at any time since the first Day of March last or shall at any time hereafter commit or perpetrate any of the Crimes or Offences hereinbefore mentioned in any Superior Court within this Province or in any Court of Oyer and Terminer by the Governor or Commander in Chief for the time being, specially instituted and appointed and the Judges or Justices of such Court are hereby authorized, impowered and required to take Cognizance of all such Crimes and Offences, and proceed to give Judgment and award Execution thereon, although in a different County or District from that wherein the Crime was committed and that all Proceedings thereupon shall be deemed equally valid and sufficient in Law as if the same had been prosecuted in the County or District wherein the offence was committed, any Law, Usage or Custom to the Contrary notwithstanding.

And be it further enacted, by the authority aforesaid that the Judges or Justices of such Court of Oyer and Terminer so commis-

sioned shall direct the Clerk of the District wherein such Court of Oyer and Terminer is to be held to issue Writs of *Venire Facias*, and the proceedings thereon to be in all respects the same as directed by an Act of Assembly passed at New Bern in January in the year of our Lord One thousand seven hundred and sixty eight intituled An Act for dividing this Province into six several districts and for establishing a superior Court of Justice in each of the said districts and regulating the proceedings therein, and for providing adequate salaries for the Chief Justice and the Associate Justices of the said superior Courts.

Provided nevertheless that no Person or Persons heretofore guilty of any of the Crimes or Offences in this Act before mentioned altho' convicted thereof in a different county or district from that wherein such Offence was committed shall be subject to any other or greater punishment than he or they would or might have been had this Act never been made.

And to the end that the Justice of the Province be not eluded by the resistance or escape of such enormous Offenders, Be it further enacted by the Authority aforesaid, that from and after the passing of this Act, if any Bill or Bills of an indictment be found or presentment or presentments made against any Person or Persons for any of the Crimes or Offences hereinbefore mentioned it shall and may be Lawful for the Judges or Justices of the superior Court or Court of Oyer and Terminer, wherein such indictment shall be found or presentment made and they are hereby impowered and required to issue their proclamation to be affixed or put up at the Court House and each Church or Chappel of the county where the crime was committed, commanding the Person or Persons against whom such Bill of Indictment is found or Presentment made to surrender himself or themselves to the Sheriff of the county wherein such Court is held within sixty Days. And in case such Person or Persons do not surrender himself or themselves accordingly, he or they shall be deemed guilty of the offence charged in the Indictment found or Presentment made in like manner as if he or they had been arraigned and convicted thereof by due course of Law, And it shall and may be lawful to and for any Person or Persons to kill and destroy such Offender or Offenders and such Person or Persons killing such Offender or Offenders shall be free discharged and indemnified, as well against the King, his Heirs and successors, as against all and every Person and Persons for and concerning the

killing and destroying such Offender or Offenders and the Lands and chattles of such Offender or Offenders shall be forfeited to His Majesty, his Heirs and successors, to be sold by the Sheriff, for the best Price that may be had, at public Vendue, after notice by Advertisement ten Days, and the Monies arising from such sale to be paid to the Treasurer of the District wherein the same shall be sold and applied towards defraying the contingent charges of Government.

And whereas by the great Riots and Insurrections at the last superior Court held for the district of Hillsborough it may be justly apprehended that some endeavours will be made to protect those who have been guilty of such Riots and Insurrections as well as those who may hereafter be guilty of the crimes and Offences hereinbefore mentioned: For prevention thereof and restoring Peace & Stability to the regular Government of this Province, Be it enacted by the Authority aforesaid, that the Governor or Commander in Chief for the time being is hereby fully authorized and empowered to order and command that necessary Draughts be made from the different Regiments of Militia in this Province to be under the command of such Officer or Officers as he may think proper to appoint for that purpose at the Public Expence to be by him employed in Aid and Assistance of the Execution of this Law, as well as to protect the Sheriffs and collectors of the public Revenue in Discharge of their several Duties, which draught or Detachments of Officers and Soldiers when made shall be found, provided for, and paid, in the same manner and at the same Rates and subject to the same Rules and Discipline as directed in case of an Insurrection in and by an Act of Assembly made in the year of our Lord One thousand seven hundred and sixty eight, intituled An Act for establishing a Militia in this Province.

And for effectually carrying into Execution the purposes aforesaid, Be it enacted by the Authority aforesaid, that it shall and may be Lawful for the Governor and Commander in Chief for the time being to draw upon both or either of the Publick Treasurers of this Province, by Warrant from under his Hand and Seal, for the payment of any such sums of Money as shall or may be immediately necessary for the carrying on and performing of such service, and the said Treasurers or either of them are hereby directed and required to answer and pay such Warrants as aforesaid out of the contingent Fund which shall be allowed in their settlement of the public Accounts.

And be it further Enacted by the Authority aforesaid, that if any number of Men shall be found embodied and in an armed and hostile manner, to withstand or oppose any military Forces, raised in Virtue of this Act, and shall when openly and publickly required commanded by any Justice of the Peace or Sheriff of the County where the same shall happen, to lay down their Arms and surrender themselves, that then and in such Case the said Persons so unlawfully assembled and withstanding, opposing and resisting shall be considered as Traitors and may be treated accordingly.

And be it further Enacted by the Authority aforesaid, that the Justices of every Inferior Court shall cause this Act to be read at the Court House Door, the second Day of each Court for their Counties, and that the Minister, Clerk or Reader of every Parish in this Province shall read or cause the same to be read at every Church, Chapel or other Place of Public Worship within their respective Parishes, once in three months at least immediately after Divine Service, during the continuance of this Act.

And be it enacted, by the Authority aforesaid that this Act shall continue and be in Force for one year and no longer.

Read three times in open Assembly & Ratified the 15<sup>th</sup> Day of January 1771.

WILLIAM TRYON  
JAMES HASELL, President  
RICHARD CASWELL, Speaker.

A true Copy of An Act passed last Session of Assembly.

ROBERT PALMER, Secretary.

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[B. P. R. O. B. T. ACTS N. CAROLINA. VOL. 6.]

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An Act for founding establishing and endowing of Queen's College in the Town of Charlotte in Mecklenburg County.

Whereas the proper education of Youth has always been considered as the most certain source of tranquility, happiness and improvement both of private families and of States and Empires and there being no Institution or Seminary of Learning established in this Province, whither the rising generation may repair, after having acquired at a Grammar School a competent knowledge of

the Greek, Hebrew and Latin Languages to imbibe the principles of Science and virtue and to obtain under learned, pious and exemplary teachers in a collegiate or academic mode of instruction a regular and finished education in order to qualify them for the service of their friends and Country, and whereas several Grammar schools have been long taught in the western parts of this Government, in which many students have made very considerable progress in the languages and other literary attainments, and it being thought by many pious, learned and public-spirited persons that great and singular benefits & advantages would be derived to the Publick, could some one of them receive the encouragement and sanction of a Law, for the Establishment thereof on a lasting & permanent basis, wherefore Be it enacted by the Governor, Council and Assembly and by the authority of the same that Messrs. Edmund Fanning, Thomas Polk, Robert Harris, Junior, Abraham Alexander, Hezekiah Alexander, John M<sup>c</sup>Nitt Alexander, Ezekiel Polk, Thomas Neal, W<sup>m</sup> Richardson, Hezekiah T. Balch, Joseph Alexander, Waitstell Avery, Henry Patillo and Abner Nash, be and they are hereby formed and incorporated into a Body Politic or Corporate, by the name of the Fellows and Trustees of the incorporated Society, for founding establishing and endowing Queens College in Charlotte T<sup>own</sup> and by that name to have perpetual succession and a Common Seal, and that they and their Successors by the Name aforesaid shall be able and capable in Law to purchase, have receive enjoy possess and retain to them and their Successors for ever, in special trust and confidence to and for the uses and purposes of founding establishing & endowing the said College, and supporting a President of the same and the number of three or less tutors, any Lands, Rents, Tenements and Heriditaments of what kind nature or quality whatsoever and also to sell, grant, demise, alien or dispose of the same, and also receive and take any charity, gift or donation, whatsoever to the said College and by the same name to sue implead be sued and impleaded, answer and be answered in all Courts of Record whatsoever.

And be it further enacted by the Authority aforesaid that Edmund Fanning, Thomas Polk, Robert Harris Junior, Abraham Alexander, Hezekiah Alexander, John M<sup>c</sup>Nitt Alexander, Ezekiel Polk, Thomas Neal, W<sup>m</sup> Richardson, Hezekiah Balch, Joseph Alexander, Waitsell Avery, Henry Patillo & Abner Nash, Trustees and Fellows or a majority of them are hereby authorized, required and directed to meet at the Grammar school in the County of Mecklenburg aforesaid on the 1<sup>st</sup> day

of March next after the passing of this Act then and there to elect, nominate, constitute and appoint by commission in writing under their hands sealed with the common seal of the said College, some learned, pious, exemplary and discreet person to be President of the said College and in like manner three or a less number of Tutors duly qualified for instructing & educating of the students of the said College and from time to time thereafter at the said School until the College shall be erected in the Town of Charlotte aforesaid and then in the Hall of the said College to convene & meet together and under their common Seal to make such Rules, Regulations & Ordinances for the admission or dismissal of the President and Tutors of said College and for ascertaining the time of the admission of students or members and also the time of their continuance at College before they shall be entitled to receive the degree of Batchelor and Master of Arts, which said degrees the President of said College for the time being is hereby authorized & empowered to confer at the Public commencement on such as may be thought deserving of receiving the honours of the said Seminary of Learning and in Testimony thereof to give and deliver to the said Student so graduated a diploma under the Seal of the said College and signed by the President and a majority of the said fellows and Trustees. Also for directing the mode of Instruction and the course of studies to be pursued by the several classes, and for the better regulating and well ordering the Morals, Studies and Collegiate exercises of the Students & Members of the said College as to them shall seem requisite and necessary and best calculated to answer the good purposes hereby intended provided always that the said rules and ordinances correspond and be as near as may be agreeable to the Laws & Customs of the Universities of Oxford & Cambridge or those of the Colleges in America.

And provided further that no person shall be admitted to be President of the said College but who is of the Established Church and who upon being nominated & appointed by the Fellows and Trustees as aforesaid or the majority of them shall be duly licenced by the Governor or Commander in Chief for the time being.

And be it further enacted by the authority aforesaid that the said fellows and Trustees before they be deemed qualified to enter on the execution of the Trust reposed in them by this Act do before some Magistrate, take the several Oaths of Government, subscribe the Test, and also take the following Oath to wit,

I, A. B. do swear that I will duly and faithfully to the best of my skill and ability execute and discharge the several Trust, Power and Authorities wherewith I am invested by an Act of Assembly, for founding, establishing and endowing of a College in Charlotte and that in all things for the well ordering and Government thereof I will do equal and impartial Justice to the best of my Knowledge, So help me God.

And be it further enacted by the authority aforesaid, that the said Fellows and Trustees or a majority of them after their qualification as aforesaid shall meet at the School House the first day of March next after the passing hereof, to nominate and elect out of their number a fit and proper person to be Treasurer to the said Society, which Treasurer shall be annually elected on the first Tuesday in March, into whose hands shall be paid all moneys of or belonging to the said School, he first giving Bond and security in the sum of three thousand pounds Proclamation money to the first in nomination of his Brother Fellows and Trustees for the faithful discharge of his Office and the Trust reposed in him, and that the said Treasurer shall annually on the said first Tuesday in March settle his Accounts with the Fellows and Trustees of all disbursements, donations, gifts, bequests, or other charities that may belong or accrue to the said College the preceding year, and upon the said Treasurer's neglect or refusal to settle and pay over to the succeeding Treasurer what money may be in his hands belonging to the said Society the same method of recovery may be had against him as is provided for the recovery of monies from Sheriffs or other persons chargeable with publick monies.

And whereas it will be necessary that a Successor of the Fellows and Trustees should be kept up, be it enacted by the authority aforesaid, that on the death, refusal to qualify or removal out of the Province of the said Fellows and Trustees the remaining Fellows and Trustees, or a majority of them, shall elect, nominate and appoint by commission under the seal of the said College, signed by the said Fellows and Trustees, or a majority of them, other Fellows and Trustees in the room and stead of those dead, removed out of the Province or refusing to act, which Fellows and Trustees so elected, nominated and appointed shall be vested with the same Trusts, Powers and authorities as other Fellows and Trustees, He or they first taking the several Oaths by this Act directed for his or their qualification.



And the said Fellows and Trustees being desirous that some certain revenue be raised for founding, establishing and endowing the said College, Be it enacted by the authority afore said, that a duty of six pence per gallon on all rum or other spirituous liquors brought into and disposed of in Mecklenburg County be paid for and during the space of ten years from and after the passing of this Act, by the owners and carriers thereof, for and towards raising a fund for the purposes aforesaid, which said duty shall be collected, accounted for and paid to the Treasurer of the said College in the same manner and under the same Penalties and Restrictions as other duties on spirituous liquors are now paid and collected by Law.

WILLIAM TRYON.

JAMES HASELL, President.

RICHARD CASWELL, Speaker.

Read three times and ratified in open Assembly this 15<sup>th</sup> day of January 1771.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

### COUNCIL JOURNALS.

At a Council held at the Council Chamber in the Palace at New Bern 19<sup>th</sup> January 1771.

Present

His Excellency the Governor.

The Honble	{	James Hasell	William Dry	}	Esquires
		John Rutherford	Robert Palmer		
		Lewis DeRosset	Martin Howard		
		John Sampson	Samuel Cornell		

Information being made in Council that the people in the County of Orange who style themselves Regulators are still assembling themselves to the great terror and fear of the inhabitants adjoining their settlements His Excellency desired the opinion and advice of the Board what measures might be proper to pursue at this juncture. The Board advised His Excellency to issue immediately a special Commission of Oyer and Terminer under the Law passed this Session, entitled an Act for preventing Tumultuous and Riotous Assemblys.

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At a Council held in the Council Chamber in Newbern 21<sup>st</sup> January 1771.

Present

His Excellency the Governor

The Honble	{	James Hasell	William Dry	} Esquires
		John Rutherford	Robert Palmer	
		Lewis DeRosset	Martin Howard &	
		John Sampson	Samuel Cornell	

His Excellency informed this Board that on Saturday last he received a Message from the House of Assembly requesting him to lay an Embargo prohibiting the exportation of Indian Corn from any port of this Province there being a great scarcity of that grain in the Country and desired their opinion and advice thereon.

It was the opinion and advice of the Board that from and after the 26<sup>th</sup> Instant no Indian Corn be exported out of this Province from the 26<sup>th</sup> Instant until the 1<sup>st</sup> day of June next.

Ordered a Proclamation issue accordingly.

NORTH CAROLINA — Ss.

By His Excellency William Tryon, &c, &c.

A Proclamation.

Whereas, it has been Represented to me that many of the inhabitants of this Province have almost entirely lost their crops of Indian Corn from the great rains last Summer — And that if the exportation of the said grain is not timely prevented a scarcity will ensue,

I therefore think fit by and with the advice and consent of His Majesty's Council to issue this my Proclamation hereby prohibiting the exportation of Indian Corn from any Port of this Province from the 26<sup>th</sup> of this present month to the first day of June next — And I do strictly forbid and command all persons from exporting any of the said grain during the time aforesaid, as they will answer the contrary at their Peril.

Given under my Hand and the Great Seal of the Province at New Bern the 22<sup>d</sup> of January in the Eleventh Year of His Majesty's Reign, Anno. Dom. 1771.

God save the King

(Signed)

W<sup>m</sup>. TRYON.

By His Excellency's Command.

W<sup>m</sup>. PALMER, D. Sec.

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At a Council held in the Council Chamber at the Palace in New Bern 26<sup>th</sup> of January 1771.

Present

His Excellency the Governor

The Honble	{	James Hasell	William Dry	} Esquires
		John Rutherford	Robert Palmer	
		Lewis DeRosset	Martin Howard &	
		John Sampson	Samuel Cornell	

His Excellency informed the Board that as the Business of the Present Session was over he desired the opinion of the Board what time it would be proper to prorogue the Assembly to. It was the opinion of the Board that the Assembly be prorogued to the 10<sup>th</sup> day of May next.

Ordered a Proclamation issue accordingly, Viz<sup>t</sup>,

NORTH CAROLINA — Ss.

By His Excellency William Tryon Esq<sup>r</sup>, &c, &c.

A Proclamation.

Whereas the Business of this present Session of Assembly is now finished I therefore think fit by and with the advice and consent of His Majesty's Council to prorogue the said Assembly till Friday the tenth of May next. Then to meet at New Bern for the dispatch of Publick business, and the said Assembly is prorogued accordingly.

Given under my hand and the Great Seal of the said Province at New Bern the 26<sup>th</sup> January 1771.

(Signed)

W<sup>m</sup>. TRYON.

By His Excellency's Command.

W<sup>m</sup> PALMER, D. Sec.

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At a Council held in the Council Chamber at the Palace at New Bern on the 28<sup>th</sup> January 1771.

Present

His Excellency the Governor

The Honble	{	James Hasell	Robert Palmer	} Esquires
		John Rutherford	Martin Howard &	
		William Dry	Samuel Cornell	

His Excellency laid before the Board a letter from Rev<sup>d</sup> Mr Samuel Fiske Rector of ----- Parish in Pasquotank, Complaining of the ill usage he had received from the Parishioners and withholding his

salary from him — And desired the advice and opinion of the Board what steps could be taken to redress him.

It was the opinion of this Board that the Governor and Council could not give him any relief; but that he must bring his action at Law for the Salary due to him against the Church Wardens and Vestrymen of the Parish and if Vestrymen are not chosen, or if chosen refuse to qualify, it is further the opinion of this Board that the Attorney General be directed to pursue all Legal steps in order to compel the Election and Qualification of Vestrymen agreeable to Law. Ordered the Secretary transmit a copy of the above minute to the Attorney General.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Lord Hillsborough.

NEWBERN the 28<sup>th</sup> January 1771.

The death of Mr Heron and Mr Eustace McCulloh's resignation of his seat in Council making two vacancies in his Majesty's Council of this Province, I take the liberty to recommend for the King's nomination the three following gentlemen, as properly qualified to sit at that Board, Viz Colonel Hugh Waddell, Mr Marmaduke Jones and Sir Nathaniel Dukenfield.

Colonel Waddell had the honor to see your Lordship about two years since in England. He honorably distinguished himself last war while he commanded the provincials of this province against the Cherokee Indians, possesses an easy fortune, and is in much esteem as a gentleman of honor and spirit; He has I confess endeared himself to my friendship by the generous offer he made me but last week of his voluntary services against the insurgents of this Province.

Mr Marmaduke Jones stands very high in my good opinion of him: as I have in former recommendations certified to your Lordship and Lord Shelburne his abilities and utility in Council, shall not repeat them here.

Sir Nathaniel Dukenfield came last year into this country to visit large possessions near Edenton, left him by his father, which turns out so much to his satisfaction that he has acquainted me of his intention of making some stay here, his desires of obtaining the honor of a seat in his Majestys Council, I most readily promised to recommend him to his Majesty, through your Lordship, as I am

sensible his rank and worthy character will be an ornament to the Council Board.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough,

NEWBERN 31<sup>st</sup> January 1771.

Since my letter of the 20<sup>th</sup> of October last I have been discouraged from communicating the occurrences of this government so frequently as your Lordship probably might expect occasioned by the vast uncertainty of the issue of events depending from the opening of the last session of Assembly on the 5<sup>th</sup> of December to the proroguing of the same on the 26<sup>th</sup> instant, to the 10<sup>th</sup> of May next. I here transmit my speech and the addresses of both Houses, and can with satisfaction assure your Lordship, that the principal matters recommended to the Assembly have been duly considered, and every step taken that the circumstances of the country would admit of, towards the reformation of the abuses in the government, and the restoration of the public tranquillity. Six Bills I rejected and passed forty four; these will be copied and transmitted with all expedition, as well as the Journals of both Houses and the Minutes of the Council, in order to lay before the King. From these materials the justest view of the present state of this country may be collected.

Herman Husband the late representative of Orange County, after having his conduct fully examined into before the House of Assembly was voted a disturber of the public peace, and expelled the House the 20<sup>th</sup> of December accordingly, as by Resolves inclosed. The evening of the same day I proposed to his Majestys Council the expediency of preventing him from returning into the back settlements to inflame anew the insurgents by his seditious practices. The Chief Justice issued his warrant to apprehend him for publishing a libel against one of the Associate Judges (no testimony then being present to prove him an accessory to the riots at Hillsborough) and he was that night put into Newbern gaol, and has been confined there ever since under a guard, no bail and security for his behavior having been offered for his enlargement. It seems yet doubtful what are the determinations of the insurgents and in

what manner they will execute them. An attempt to rescue Husband is yet expected.

The returns I required from the commanding officers of the several regiments of militia, of such men as were willing to turn out in defence of their King and country, were in many counties unanimous in support of that glorious cause and through the whole country very favorable on the side of government. As soon as the many beneficial laws that were enacted last session are published through the province they will tend much to quiet the general discontents of the inhabitants and probably make it less difficult for administration to suppress the insurgents in the back frontiers, who have been greatly upheld by the seditious reports industriously spread through the whole country.

I herewith transmit to your Lordship a copy of the Bill to prevent riots and tumults, being a Bill of the first importance. A special Court of Oyer and Terminer is to be held next week in this town under this law, where some of the principal rioters will be indicted. This I apprehend will bring the distractions of this country to a crisis, as the parties must either take their tryals or be in a state of outlawry. Thus you see, my Lord, the situation of this country is very unsettled and as yet it is uncertain what turn the public affairs will take, consequently no positive conclusions can be drawn from the present posture of affairs, they however carry a much more favorable aspect than before this session, government being much strengthened by the Acts of the Legislature then ratified.

That I may be enabled on my return to England to make his Majesty a fair report of a happy termination of the disorders of this his province, is the sanguine wish and earnest endeavours of, my Lord,

Your Lordships &c.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Lord Hillsborough.

NEWBERN the 1<sup>st</sup> February 1771. .

At the earnest request of the House of Assembly of this Colony and on behalf of the inhabitants of this extensive province, I beg permission through your Lordships good offices, humbly to petition his Majesty that he would be most graciously pleased to move his

parliament now sitting for a repeal of the Act of Parliament restricting the emission of paper currency in the colonies, so far as relates to this country. This barrier removed his Majesty might still suspend his royal grant to the joint petition of the Council and Assembly of this province for an emission of paper currency till my arrival in England, should there yet remain any doubts of the necessity of such indulgence. The inclosures, which are copies of the messages that passed between the House of Assembly and myself, will set forth what their necessities demand, and what I earnestly wish to obtain for their relief.

The tenor of your Lordships letter of the 3<sup>rd</sup> of October (N<sup>o</sup>. 35) I confess gives me the strongest hopes of success, since the conduct of the last Assembly will show, the prejudices of the people will admit, and the circumstances of the colony really induce a currency of better credit, for notwithstanding the boasted associations of people who never were in trade, and the sham patriotism of a few merchants to the southward of the province, the several ports of this province have been open ever since the repeal of the Stamp Act for every kind of British manufactures to the full extent of the credit of the country.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

NEWBERN 8th February 1771.

In obedience to the King's command I am to inform your Lordship of the manufactures set up and carried on within this Government since my dispatch of the 1st December 1769 N<sup>o</sup> 13.

The two still houses at Newbern and Wilmington are compleated. They are estimated to distill nearly five hundred hogsheads of spirits annually.

Two furnaces for iron works on the Branches of Deep River in Orange County have been some time at work making only pig iron, and a third I am told will soon be set at work by Colonel Frohock in Rowan County in the neighbourhood of Salisbury, The ore from all of them being esteemed very good. Those intended on Trent River have not yet been reassumed.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

### COUNCIL JOURNALS.

At a Council held at the Council Chamber in the Palace at New Bern on the 7<sup>th</sup> February 1771

Present

His Excellency the Governor

The Honble { James Hasell                      Martin Howard } Esquires  
                  { Robert Palmer                     Samuel Cornell }

His Excellency communicated to this Board a letter from Mr Francis Nash of Hillsborough without a date but inclosing Depositions of Reuben Tedrow and William Douglas dated the 2<sup>d</sup> instant giving information that a body of the people who call themselves the mob were assembling with a design to come down and enquire into the cause of Herman Husband's confinement, and to release him from Gaol and with a determination to lay New Bern in ashes— And that by their advertisement had fixed on Monday the 11<sup>th</sup> Instant to begin their march towards New Bern for carrying their designs into Execution— His Excellency then asked the Board if they had any particular Advice on this occasion. The Board thereupon gave it as their opinion that a Proclamation should issue to prohibit the sale of all fire arms, powder, lead and leaden bullets till further notice. And His Excellency take up and collect all the ammunition that can be procured for His Majesty's Service and the defence of this Province— Ordered a Proclamation issue in the following words— Viz<sup>t</sup>

NORTH CAROLINA

By His Excellency William Tryon Esq<sup>r</sup> &c, &c.

A Proclamation.

Whereas I have received information authenticated by the Oaths of Sundry credible Persons that the People who style themselves Regulators or the Mob have resolved to come down in a Body from their settlements to the Town of New Bern in order to release Herman Husband now under lawful confinement in His Majesty's Gaol, And have threatened to destroy at the same time the said Town, and they are now making preparations to execute these their auda-



cious and wicked purposes, And whereas it is essential to the publick safety that all persons in this Province should be restrained for a reasonable time from vending or disposing of any fire arms and ammunition least the same should come into the hands of the said people called Regulators or the Mob — I have therefore thought fit by and with the advice and consent of His Majesty's Council to issue this my Proclamation hereby prohibiting all Merchants, Traders and others from selling or supplying any Person whatever with powder, shot, or lead till further notice.

Given under my hand and the Great Seal of The Province at New Bern the 7<sup>th</sup> February in the Eleventh year of His Majesty's Reign A. D. 1771.

God save the King.

W<sup>m</sup>. TRYON.

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[B. P. R. O. AMERICA & WEST INDIES. VOL. 218.]

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Letter from Earl Hillsborough to Governor Tryon,

WHITEHALL Feb 11<sup>th</sup> 1771.

Your Letters N<sup>o</sup>. 57 and 58 have been received and laid before the King, and it has given His Majesty great Concern to find that the Peace of Government had been again disturbed and the Execution of the Laws obstructed by Violences of the most dangerous Nature. It is hoped however that the same Zeal & Spirit in His Majesty's well-disposed Subjects in North Carolina, which had the effect to put a Stop to the like Riots on a former Occasion, will be again exerted on the present Emergency and will have the same Success, and that the Assembly will cheerfully concur in such Measures as you shall have recommended for the support of Government against these lawless and Savage Disturbers of the public Tranquility and for bringing the Ringleaders to Justice.

I have the Pleasure to acquaint you, that I have by the New York Packet transmitted to Lord Dunmore His Majesty's Commission under the Great Seal, appointing you Governor of the Province of New York, together with His Majesty's Instructions for your Guidance in the Administration of that Government. It is therefore His Majesty's Pleasure, that you do lose no time in repairing to that Province, where I doubt not you will meet with that

favorable Reception, to which you are so justly intitled by your  
Character and Conduct.

I am Sir &c<sup>a</sup>

HILLSBOROUGH.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at the Council Chamber at the Palace in New  
Bern 23<sup>d</sup> February 1771.

Present,

His Excellency the Governor

The Honble { James Hasell                      Martin Howard & } Esquires  
                  { Robert Palmer                     Samuel Cornell        }

His Excellency laid before the Board a petition from many of the  
Inhabitants of several Countys in the Port of Roanoke and Masters  
of Vessels, now trading for Corn in the said Port, Praying that the  
embargo prohibiting by Proclamation the exportation of Indian  
Corn may be taken off as to such Vessels as were in the said Port  
before the embargo took place and had made purchases of that arti-  
cle and was nearly loaded with the same.

It appearing by the said Petition that there is more than a suffi-  
ciency of that grain for the Inhabitants of the said Countys,

The Board gave it as their opinion and advice to his Excellency  
that the Embargo on Indian Corn be suspended for one month and  
no longer in the Port of Roanoke for such Vessels only as were in  
the said Port before the Embargo was laid.

Ordered a Proclamation issue in the following words, Viz<sup>t</sup>,

NORTH CAROLINA — Ss.

By His Excellency William Tryon Esquire, &c.

A Proclamation.

Whereas a Petition has been presented to me by many of the  
Inhabitants of several Countys in the Port of Roanoke and Masters  
of Vessels now trading for Corn in the said Port Praying that the  
Embargo prohibiting the Exportation of Indian Corn may be taken  
off as to such Vessels as were in Port Roanoke before the Embargo  
took place (and had on board quantitys of Corn) and it appearing  
by the said Petition that there is more than a sufficiency of that

grain for the Inhabitants of the said Counties;— I do by and with the advice and consent of His Majesty's Council issue this my proclamation — hereby suspending for one month and no longer in the Port of Roanoke the Embargo laid for non exportation of Indian Corn for such Vessels only as were *Bona fide* entered before the 26<sup>th</sup> day of January last.

Given under my hand and the Great Seal &c at New Bern 23<sup>rd</sup> February 1771.

W<sup>m</sup>. TRYON.

By Command,

W<sup>m</sup>. PALMER, D. Sec.

God save the King.

His Excellency communicated to the Board the following letter received from Col<sup>o</sup> Caswell Commander of the Dobbs Regiment of Militia, Viz<sup>t</sup>,

KINGSTON 20<sup>th</sup> February 1771.

MAY IT PLEASE YOUR EXCELLENCY,

SIR,

I received your Excellency's favors of yesterday this day about 11 o'clock, soon after Colonel Bryan of Johnston came into our camp and brought the following Account, Viz<sup>t</sup>,

That Husband on his way up called at Major Hunters where the Wake Regiment was assembled, He immediately wrote letters to the Regulators. William Butler was at Mimms' when he received Husbonds letter and returned directly to the body of the Regulators. Then, or thereabout the time he returned to them, a person sent by Col<sup>o</sup> Hinton also arrived at their Camp, who informs that on the news of Husbonds' releasement under his own hand being communicated to the Regulators they concluded to return; sayed their only view was to release him; and accordingly they did disperse on Saturday last, that 13 wagons had crossed Haw River and four others were then on the South West side of the River ready to pass it but returned; they sayed there were with those wagons 2,200 men, but Mr Hinton's express inclined to think there were very few more than 300 and those he says well armed with small arms; heard nothing of wooden Guns.

Col<sup>o</sup> Hinton discharged his men on Saturday, Col<sup>o</sup> Bryan discharged his on Sunday night, and in obedience to your Excellencys orders I have this day discharged the Dobbs men.

Col<sup>o</sup> Bryan intended to have waited on your Excellency but is much fatigued and his horse foundered. He presents his compliments to your Excellency.

I am, your Excellency's most dutiful  
and obedient, humble servant,  
(Signed) R<sup>d</sup> CASWELL.

HIS EXCELLENCY GOVERNOR TRYON—

P. S. I am requested by Col<sup>o</sup> Bryan to assure your Excellency that if any body of Regulators shall attempt to come down with any Persons who may be indicted under the late Law in order to protect them on their tryals that on the least intimation of their march will again Assemble his Regiment to oppose them, and will also give me notice thereof, in which case I shall most punctually observe your Excellencys Orders.

I am as before &c—

R. C.

The Governor informed the Board that as he thought the Insurgents might attempt to come down to Newbern to support such of their Ringleaders as might be prosecuted for the Riots Committed at Hillsborough—His Excellency desires the opinion of the Board whether it would be advisable to finish the line of entrenchment which he had begun round this Town for the protection of the Town and Courts of Justice, as many threats have been given out by the Regulators that they would lay the town in Ashes. It is the unanimous opinion of the Board that such a measure as carrying the entrenchment round the Town, would be a most necessary step at this juncture.

At a Council held in the Council Chamber at the Palace in New Bern 27<sup>th</sup> February 1771—

Present

His Excellency the Governor

The Honble {	James Hasell	Martin Howard	} Esquires
	Robert Palmer	Samuel Cornell	

His Excellency acquainted the Board that he conceived that his Majestys service required and the dignity of the Government demanded that Mr Chief Justice his associates and Mr Attorney General should all attend in person at the next Hillsborough Superior Court on the 22<sup>d</sup> of March, And if Mr Chief Justice thought

the Riot Law now in force would not be sufficient to secure the Court from insult

The Governor was willing to order any Body of Militia for its protection that may be thought necessary for that purpose by this Board, And desires their opinion as to the propriety of the measure, and the means to support the end thereof — The Board is of opinion that it is absolutely necessary the Judges and Attorney General should give their attendance at the next Hillsborough Court, But as to the protection of the Court It does not appear at present whether any are requisite until further information is received of the designs of the Insurgents.

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[N. C. LETTER BOOK S. P. G.]

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Letter from Rev<sup>d</sup> M<sup>r</sup> Drage to the Secretary.

SALISBURY S<sup>t</sup> LUKES PARISH,  
NORTH CAROLINA, Feb<sup>y</sup> 28<sup>th</sup> 1771.

REVEREND SIR,

I ask the favor of you to inform the Honorable Society, that I did not before transmit an account relating to my mission by reason of uncertainty of my situation. The place where I reside is named Salisbury in the parish of S<sup>t</sup> Luke in the county of Rowan, Three hundred miles distant from the Seat of Government, and near Four hundred from the Sea, Fine air, temperate climate and a fertile country. It was with his Excellency Governor Tryons approbation I came into these parts having received repeated applications from the people for a church Minister, two thirds of whom are of the church of England, the other a motly mixture, but the most distinguishable are the Irish Dissenters, who had the whole power of Government, as to these parts, invested in them by the late Governor: also composed of many different Sects. His Excellency M<sup>r</sup> Tryon was apprehensive there would be an opposition as to my settlement from them.

I found the people of the church of England disheartened, and dispersed like Sheep, but have collected them into about forty congregations, or have as many preaching places where I meet them, consisting upon a moderate calculation of Seven thousand souls men women and children or 900 families inhabiting a country of one hundred and eighty miles in length and one hundred and

twenty in breadth of whom I have baptized since the 20<sup>th</sup> of December 1769 and the 20<sup>th</sup> of December 1770.— The Reverend M<sup>r</sup> Cupples having also baptized many the preceding Summer, being on a visit into these parts —

Under one year of their age .....	152
Two years of age.....	159
Three years of age .....	138
Four years of age.....	99
Five years of age.....	57
Six years of age.....	38
Seven years of age.....	29
Eight years of age.....	17
Nine years of age .....	19
Ten years of age .....	15
Eleven years of age.....	16
Between Twelve years of age and Sixteen years of age,	35
Sixteen years of age and Twenty years of age,	12
Twenty years of age and Sixty years of age,	16
	<hr/>
	802

There is a law here, that the freeholders shall annually choose on Easter Monday twelve men as a vestry to manage parish affairs. A Freeholder is properly a person who hath got a Deed or Patent for his land, but for some years past the Lord Carteret, who is proprietor of the Soil in the part where I am, hath granted no patents and the Irish Dissenters being possessed of their Patents before that time, therefore make up the principal number of the Freeholders, and have the power of determining all Elections to their views. On the Election Easter Monday 1770 their list was composed of nine Magistrates, two of whom were members for the county in the Assembly, one Captain of militia, and two senior Elders (all Dissenters) the Election in their favor and then they would not qualify, this had been practiced the year before, declared they could keep out the church by this means, had done it, and always would. The voters further said their purpose in voting, was, not as to whom should compose the vestry, but that there might be none, upon which those of the other List, who were members of the church of England, men of repute and character, excepting one declared they would act as a vestry, met, but proceeded no further, than to answer a Letter from his Excellency the Governor sent by

me directed to the Vestry of S<sup>t</sup> Lukes parish which he supposed there was at that time, in which they returned him thanks for the kind provision he made as to a clergyman and desired he would be pleased to give me an immediate Presentation.

I wrote an account to his Excellency of the proceedings, that the members of the church of England had behaved with moderation, and avoided any riot or disturbance, which apparently was designed on the part of the Dissenters, submitting it entirely to his opinion as to presenting me or not, assuring him I rested satisfied with what he should determine. His Excellency was pleased to send me a Presentation in July with an approbation of my conduct in very obliging Terms.

The members of the Church of England prepared a petition in November in which they set forth the great favor the Governor had done them in sending me for their Minister and desired an act might pass to take away this their incapacity for want of Deeds, that parishioners might vote for Vestrymen as in England. This Petition was sent down signed by the most reputable and worthy part of the Inhabitants of the parish, though the names of the greatest part of the persons who signed, which would have exceeded a thousand, did not come time enough to hand to be transmitted. The petitioners did not doubt of success, and it was what the Governor gave encouragement to in his Letter under the name of a Memorial, to put it out of the power of the Dissenters to evade the Law and prevent a Vestry; But it hath so happened that the petition which was sent to the House of Assembly by His Excellency did not meet with the desired success, and the Dissenters to repeat the same mode of evading the Law.

A petition also from these parts was presented on the part of the Dissenters, formed by the Synod which meets at Philadelphia for an act to pass not to pay towards the support of the Parish Minister, to publish and marry by their own clergy, an act directly levelled at the constitution, contrary to the original and subsequent charters, to many Acts of Assembly and the instruction given the Governor with respect to the Toleration, is passed, with a suspending clause until His Majesty's pleasure be known.

It would be supposed from the request of this their petition that there are many Dissenting clergy in this Country, there is but one, neither hath there been any regular congregation for Fifteen years, as the Dissenters can not agree in principles. They have only Itinerant

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preachers, who come from the Northward, preach once in a place, and return, getting considerable contribution from the people of the church of England as well as from others. The Dissenters countenance any Fellow who will stand up and preach in any part of the Parish, but in their Settlements in order to distract and make confusion amongst the rest of the people. This under the name of Anabaptists and as to what they in part apply for under protection of Law, they have and do practice against the Laws which are in force at present, marry by their own Justices and Itinerant preachers, bidding me defiance and paying no Marriage Fees. The Courts of Law are open to me, and the penalty Five pounds but they would represent me as litigious, and it might submit me to a peculiar insult. I aim at a regular conduct, and to be diligent in the discharge of my office, which is disagreeable to them. Being also superior to any little insult and giving no offence, peace is preserved.

The late Assembly have taken off one whole county out of my parish, also another part, which with a part taken from an adjoining county, makes also a second new county. These are named for Parishes but in the division it is so considered, and the thing principally consulted, that the Dissenters, separate Baptists, and Moravians should be the stronger or have an equal Interest with the church of England with the view if possible to prevent any clergymen from being received. The meaning that they should not pay to the Ministers of the church of England, is not merely with respect to the Ministers Salary which the members of the Church of England would afford, but the building of a church at a proper time, chapels, paying readers or clerks Salaries, purchasing a Glebe and building a House is a Tax which they could not for some time afford, and the Dissenters have told the separate Baptists who were in a declining way since my arrival, and really not under the act of Toleration in the manner they act, That they are as legal congregations as the church of England, and have nothing to pay towards the support of the church. They design a third county, which stopped with the council, by this they would have so limited me that I should not have had fifty families of the church of England in my parish, a proper Division of the counties would have been very agreeable to me, as the scene of my Labours was too extensive to have the proper efficacy, but by a constant application have succeeded so through the blessing of God to give the church of England



a countenance, before not seen here, concealed in the hearts of the People.

I thought it my duty to represent the state of the church here, which it was expected by the members of the church of England, as well as by those of the Lutheran church, and the Quakers also by most of the Presbyterians, would have been supported by Government and as the Members of those of the church of England and of those who are desirous of its establishment are five to one of the others; but most of them disqualified for want of Deeds, all their hope now is, as there is a suspending clause in the Law by the case thus being made known to the honorable Society they shall meet with their gracious protection and assistance that such law may not be in force.

I am greatly obliged to the Honorable Society for the honor that hath been done my Draughts, as I have received but few fees taking nothing for Baptism, no burial fees allowed, and excepting their assistance am entirely at my own expence, cannot send for my family, as there is a years salary now due from the parish and no Vestry to assess it, and have little expectation but it will be the same as to the current year, as there is no probability of a Vestry, no great reliance can be had on a free donation of the people, as money is scarce, and it carries a subjection with it.

From my manner of behaviour and steady zealous discharge of my duty, the Dissenters fear the church will be settled in a peaceable and quiet manner amongst them, therefore are indefatigable in their schemes to prevent it, but only by preventing any addition to their power, the constitution of the province preserved on the present footing, the church of England through the favor of the Almighty will steal like a slow still water upon them and establish itself in all these parts.

I have herewith sent you copies of the several papers mentioned in this address.— Pray present my duty to the Honorable Society and assure them of my most faithful services, and zealous discharge of my Function.

I am yours &c.

THEODORUS SWAINE DRAGE,

Rector of St Luke's Parish.

P. S.—The Bearers hereof are two Germans, my Parishioners, who are commissioned by the Governor to collect in England and Germany, towards a sum which sixty Lutheran families propose to

raise as a capital, with the Interest of which to maintain a Lutheran Clergyman and a schoolmaster and whom they are to bring from Germany. The union they desire to live in with the Church of England and the kind assistance they are at all times ready to give, and frequently those who understand English attend the service, I hope will recommend them to the notice of the Honorable Society, and would be a means of cementing the union which at present exists amongst all the Lutherans in these parts, who are a very considerable body of people.

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[FROM THE COURT RECORDS OF ROWAN COUNTY.]

TO THE WORSHIPFUL COURT OF ROWAN

The petition of your petitioners humbly sheweth

That we the Inhabitants of a congregation known by the name of North Buffalow and living on the waters of Reedy Fork North & South Buffalow do certify the worshipful court that we intend to make use of a house on a piece of land purchased from Adam Mitchell Sr as a place of public Worship according to the practice of Protestant dissenters of the Presbyterian denomination and desire it may be entered in the Records of the Court according to the Act of Parliament in that behalf made and your petitioners as in duty bound shall ever pray

Signed by a number of persons &c

The above petition was read in open Court and was ordered to be recorded which petition was granted &c

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA }  
Newbern District } Ss.

At a Special Court of Oyer and Terminer & General Gaol Delivery began and held at Newbern in the District aforesaid, on Saturday the second day of February. A. D. 1771, and in the eleventh year of his Majesty's Reign.

Present

The Honble Martin Howard Esq<sup>r</sup> Chief Justice.

After the several Proclamations were made the Honble Martin Howard Esq<sup>r</sup> produced from his Excellency William Tryon Esq<sup>r</sup>

Governor, Captain General and Commander in Chief in and over the Province aforesaid, a Commission of Oyer and Terminer and General Gaol Delivery, which was read accordingly.

John Cooke produced a Commission from the Honble Robert Palmer Esq<sup>r</sup> constituting and appointing him the said John Cooke Clerk of the Crown in the Superior Court of Justice for the District of Newbern aforesaid, who took the Oaths prescribed by Law and subscribed the Test.

Court adjourned till Thursday the seventh February 10 o'clock.

Thursday 10 O'clock.

The Court met according to adjournment.

Present

The Honble Martin Howard Esq<sup>r</sup> Chief Justice.

The Sheriff of Craven County returned the following Persons for Grand and Petit Jurors, viz,

John Greene	William Tisdale	Timothy Clear
Bartholomew Rooke	George Fisher	William Banks
Samuel Frazier	James Coor	John E. Tomlinson
James Stevenson	Robert Burney	Levi Gill

Court adjourned till Friday 10 o'clock.

Friday 8<sup>th</sup> February.

Court met according to adjournment.

Present

The Honble Martin Howard Esq<sup>r</sup> Chief Justice.

The Coroner of Pitt County returned the following Persons for Grand and Petit Jurors, viz,

James Lanier	Benj <sup>m</sup> Ellis	John Fulford
William Jones	John Hardey	Samuel Tison
Henry Jones	William Baldwin	Jesse King
Martin Nelson	Benj <sup>m</sup> Rendal	Thomas Goff

Ordered that Samuel Tison be exempted from attending this Court as a Juror.

Ordered that Martin Nelson be exempted from attending this Court as a Juror.

William Brimage Esq<sup>r</sup> produced a Commission from Tho<sup>s</sup> M<sup>c</sup>Guire Esq<sup>r</sup> constituting and appointing him the said William Brimage Deputy Attorney in behalf of the Crown for its District of New

Bern in the Court of Oyer & Terminer & General Gaol Delivery who took the Oaths and subscribed the Test agreeable to Law.

Ordered that Benjamin Ellis be exempted from attending this Court as a Juror.

The following Persons were appointed Grand Jurors, viz,

James Davis, Foreman	Bartholmew Rooke	Brice Fonville
James Coor	Samuel Frazier	John Dawley
John Greene	William Tisdale	William Jones
William Banks	George Fisher	Henry Jones
Joseph Sharp	John E. Tomlinson	Robert Burney
Alexander Gaston	James Stevenson	John Greene, Sch'lm'tr

Court adjourned till 4 o'clock P. M.

Court met according to adjournment.

Present—The Honble Martin Howard Esq<sup>r</sup> Chief Justice.

The Sheriff of Beaufort returned the following persons for Grand and Petit Jurors, viz,

John Warwick	William Boyd	Sweating Bond
John Woodard	Richard Oden	William Peyton
Stephen Worsby	Henry Lockey	William Daw
Samuel Barrow	Coleman Roe	Moses Poole

Ordered that Samuel Barron be exempted from attending this Court as a Juror.

A Bill of Indictment was preferred against Herman Husband for a Libel, the Grand Jury aforesaid returned no Bill and the said Herman Husband was discharged by Proclamation.

Court adjourned till Saturday 10 o'clock.

Saturday 9<sup>th</sup>

Court met according to adjournment.

Present—The Honble Martin Howard Esq<sup>r</sup> Chief Justice.

The Coroner of Hyde County presented the following Persons for Grand and and Petit Jurors, viz,

James Eborne	Benjamin Hollowell	Thomas Gaylard
Moses Windley	Thomas Windley	Israel Wilkinson
Joseph Gurganus		

Court adjourned till Thursday 10 o'clock.

Thursday 14<sup>th</sup>

Court met according to adjournment.

Present—The Honble Martin Howard Esq<sup>r</sup> Chief Justice

Court adjourned till Tuesday the the 19<sup>th</sup> 10 o'clock.

Tuesday 19<sup>th</sup>

The Court met according to adjournment.

Present — The Honble Martin Howard Esq<sup>r</sup> Chief Justice.

The Court adjourned to Monday the 25<sup>th</sup> 10 °Clock.

Monday 25<sup>th</sup>

The Court met according to adjournment.

Present — The Honble Martin Howard Esq<sup>r</sup> Chief Justice.

Ordered that John Hardy be exempted from attending this Court as a Juror.

The Court adjourned till tomorrow 10 °Clock.

Tuesday 26<sup>th</sup>.

The Court met according to adjournment.

Present — The Honble Martin Howard Esq<sup>r</sup> Chief Justice.

The Court adjourned till tomorrow 10 °Clock.

Wednesday 27<sup>th</sup>.

Court met according to adjournment.

Present — The Honble Martin Howard Esq<sup>r</sup> Chief Justice.

Court adjourned till 4 °Clock P. M.

Court met according to adjournment at 4 °Clock.

Present — The Honble Martin Howard Esq<sup>r</sup> Chief Justice.

The Court adjourned till tomorrow morning 10 °Clock.

Thursday 28<sup>th</sup>.

The Court met according to adjournment.

Present — The Honble Martin Howard Esq<sup>r</sup> Chief Justice.

The King <i>vs.</i> David Butler	}	Grand Larceny.
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The following Persons were impanelled and sworn the Truth to speak on the Issue joined between our Sovereign Lord the King and David Butler, viz,

Timothy Clear	Jesse King	Stephen Worsley
Levi Gill	James Lanier	William Boyd
William Baldwin	John Warwick	Richard Oden
John Fulford	John Woodard	James Eborne

upon their Oaths did say that the said David Butler is not Guilty. It is therefore ordered by the Court that the said David Butler be discharged upon paying Fees.

The Court adjourned *Sine Die*.

Crown Prosecutions at a Special Court of Oyer & Terminer & General Gaol Delivery held at Newbern 2<sup>d</sup> February 1771.

	PARTIES NAMES.	INDICTMENT.	EVIDENCES FOR REGE.	RETURN.	RECOGNIZANCES.
1	The King <i>vs.</i> Herman Husband	Libel	James Davis James Greene	No Bill	
2	The King <i>vs.</i> Matthew Hamilton	Riot	John Litteral	A true Bill	
3	The King <i>vs.</i> David Butler	Grand Larceny	Joseph Davis Edney Beetley Richard Cogdell	A true Bill	Not Guilty.
4	The King <i>vs.</i> Joseph Davis				Recognizance for £20 Proc. money.
5	The King <i>vs.</i> Edney Beetley				Recognizance for £20 Proc. money.

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[B. P. R. O. NORTH CAROLINA B. T. VOL. 17.]

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At the Court of S<sup>t</sup> James's the 6<sup>th</sup> day of February 1771.

Present

The Kings most Excellent Majesty in Council.

Whereas there was this Day read at the Board a Representation from the Lords Commissioners for Trade and Plantations dated the 30<sup>th</sup> of last month in the words following, viz<sup>t</sup>—

In obedience to your Majesty's commands we have prepared and herewith humbly lay before your Majesty Draughts of general instructions as well as of those which relate to the observance of the Acts of Parliament for the Encouragement and Regulation of the Plantation Trade for Josiah Martin Esquire whom your Majesty has been pleased to appoint to be Captain General and Governor in Chief of your Majes y's Province of North Carolina in America in which Draughts we have made no material alterations from the Instructions given by your Majesty to William Tryon Esquire except in the following particulars.

We have inserted in the present Draught of General Instructions two Articles Number 14 and 19, restraining the Governor on certain conditions from assenting to any Acts by which the number of the Assembly shall be increased or any regulations made in respect thereto inconsistent with your Majesty's Rights or by which public or private Lotteries may be instituted, both which Articles are conformable to what your Majesty has already approved for the Governors of other Colonies. We have omitted all such Articles of the former Instructions the objects of which appear to have been carried into execution or which from a variation in the circumstances of the Province are become unnecessary and improper. We have inserted in the first Article the names of only ten Councillors exclusive of the Lieutenant Governor, but as soon as we are apprised of the names of persons proper to serve your Majesty in that station we shall not fail humbly to recommend them to your Majesty in order that the said Council may be compleated to its usual number.

His Majesty taking the same into consideration was pleased with the advice of his Privy Council to approve of the said Draughts of Instructions together with the alterations made therein and to order as it is hereby Ordered that the Right Honorable the Earl of Hillsborough one of his Majesty's principal Secretaries of State do cause

the said Instructions (which are hereunto annexed) to be prepared for his Majesty's Royal Signature.

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[B. P. R. O. B. T. NO. CAROLINA VOL. 24. P. 4.]

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Instructions to our Trusty and Well-beloved Josiah Martin Esquire, our Captain General and Governor in Chief in and over our Province of North Carolina in America, given at our Court at St. James's the 6<sup>th</sup> day of Feb<sup>r</sup>y 1771 in the eleventh year of our Reign.

First, With these our Instructions you will receive our Commission under our Great Seal of Great Britain constituting you our Captain General and Governor in Chief in and over our Province of North Carolina in America, you are therefore to fit yourself with all convenient speed to repair to our said Province of North Carolina and being there arrived, you are to take upon you the execution of the Place and Trust We have reposed in you and forthwith to call together the following Persons by name, whom We do hereby appoint to be members of our Council for that our Province, viz, George Mercer Esq<sup>r</sup> our Lieutenant Governor of our Province of North Carolina, or our Lieut: Governor of our said Province of North Carolina for the time being, James Hasell, John Rutherford Lewis De Rosset, John Sampson, Alexander McCulloch, William Dry, Robert Palmer, Samuel Strudwick, Martin Howard and Samuel Cornell Esquires.

2. You are with all due and usual solemnity to cause our said Commission, constituting you our Captain General Governor in Chief as aforesaid to be read and published at the said meeting of our Council which being done you shall then take and also administer unto each of the members of our said Council the Oaths mentioned in an Act passed in the first year of the Reign of his late Majesty King George the First, intituled "An Act for the further security of "His Majesty's person and government and the succession of the "Crown in the Heirs of the late Princess Sophia being Protestants "and for extinguishing the hopes of the pretended Prince of Wales "and his open and secret abettors," and in an Act passed in the sixth year of our Reign intituled, "an Act for altering the Oath of adjuration and the assurance and for amending so much of an Act of the Seventh year of Her late Majesty Queen Anne intituled an



Act for the improvement of the Union of the two Kingdoms as, after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to persons indicted of High Treason or misprision of Treason," as also make and subscribe and cause the members of our said Council to make and subscribe the Declaration mentioned in an Act of Parliament made in the twenty fifth year of the Reign of King Charles Second, intituled "An Act for preventing dangers which may happen from polish Recusants" and you and every of them are likewise to take an Oath for the due execution of your and their places of Trust as well as with regard to your and their equal and impartial Administration of Justice. And you are also to take the Oath required by an Act passed in the seventh year and the eighth year of the Reign of King William the Third, to be taken by Governors of Plantations to do their utmost, that the Acts of Parliament relating to the Plantations be observed.

3. You shall administer or cause to be administered the Oaths appointed in the aforesaid Acts intituled "An Act for the further security of his Majesty's Person and government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors" and "An Act for altering the Oath of Adjuration and the Assurance and for amending so much of An Act of the seventh year of her late Majesty Queen Anne, intituled an Act for the improvement of the Union of the two Kingdoms, as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to persons indicted of High Treason or the misprision of Treason" to the members and officers of our Council and Assembly and to all Judges, Justices and other persons that hold any Office or Place of Trust or Profit in our said Province, whether by virtue of any Patent under our Great Seal of Great Britain or the Publick Seal of Great Britain or the Publick Seal of our said Province of North Carolina or otherwise and you shall also cause them to make and subscribe the aforesaid Declaration, without the doing of all which you are not to admit any person whatsoever into any Publick Office, nor suffer those that have been admitted formerly to combine therein.

[The other instructions are identical with those given to Governor Tryon (see Vol. VII, p. 137) save that Sections 30, 54, 55, 77, 78, and 111 of Tryon's are omitted from Martin's, and that in Martin's

are to be found two new Sections set forth below, viz: 14 and 19.—  
EDITOR.]

14. Whereas Laws have at several times been passed in many of our Colonies and Plantations in America, by which certain Parishes and districts have been impowered and authorized to send Representatives to the General Assemblies of the respective Colonies in which the said Parishes and Districts lie and sundry other regulations have been introduced by those Laws, relative to the said Assemblies. It is our further Will and Pleasure and we do hereby require and Command, that you do not upon any pretence whatsoever give your Assent to any Law or Laws to be passed in Our Province under your Government by which the members of the Assembly shall be enlarged or diminished, the Duration of it ascertained the Qualification of the Electors or the elected fixed or altered or by which any Regulations shall be established with respect thereto to [be] inconsistent with our Instructions to you Our Governor, as prejudicial to that Right or Authority which you derive from us in virtue of Our Royal Commission and Instructions.

19. Whereas a practice hath of late years prevailed in several of our Colonies and plantations in America of passing laws for raising money by instituting public lotteries and whereas it hath been represented to us that such practice doth tend to disengage those who become adventurers therein from that spirit of industry and attention to their proper callings and occupations on which the public welfare so greatly depends and whereas it further appears that the practice of allowing lotteries by Acts of Legislature hath been also extended to the enabling private persons to set up such lotteries by means whereof great frauds and abuses have been committed, It is therefore our will and pleasure that you do not give your will and assent to any act or acts for raising money by the institution of any public or private lotteries whatsoever until you shall have first transmitted to us by one of our principal Secretaries of State a draught or draughts of such act or acts and shall have received our directions therein.

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[B. P. R. O. B. T. N. CAROLINA. VOL. 24. P. 221.]

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Additional Instruction to our Trusty and Wellbeloved Josiah Martin Esq<sup>r</sup> Our Captain General and Governor in Chief in and over

Our Province of North Carolina, in America, or in his absence, to the Commander in Chief of the said Province for the time being,  
Given

Whereas it hath been represented unto Us that a Law was passed in Our Province of North Carolina in 1771, intituled, "An Act for preventing Tumultuous and riotous Assemblies, for the more speedy and effectual punishment of the Rioters, and for restoring and preserving the public peace of this Province," enacting among other things, "That upon indictment found or presentment made against any person for any of the Crimes described in the Act the Judges or Justices of the Court, shall issue their Proclamation to be affixed or put up at the Court House and each Church and Chappel of the county wherein such crime was committed, commanding such offender to surrender within 60 days and stand Tryal, on failure of which he shall be deemed guilty of the offence charged in the Indictment found or presentment made and it shall be lawful for any one to kill and destroy such Offender and his Lands and chattels shall be confiscated to the King for the use of Government," which said clause appears to Us to be irreconcilable with the principles of the constitution, full of danger in its operation and unfit for any part of the British Empire; But whereas it hath been also further represented unto Us, that the said Act, which also contains many useful and proper regulations for the preservation of the Public Peace of our said Province of late disturbed by Outrages and Insurrections of a very dangerous nature, is by its own limitations upon the point of expiring and that the total repeal of it might in the present state of Affairs, have very fatal consequences and revive that seditious spirit (not yet wholly subsided amongst some of the Inhabitants) which has been productive of so much tumult and confusion, We have therefore not thought fit to disallow the said Act, but it is nevertheless Our express Will and Pleasure, that in case it shall be found necessary to enact any new Law within our said Province of North Carolina for preventing tumults and riotous assemblies you do take especial care that the said laws be framed as near as may be agreeable to the Laws of this Kingdom and that you do not give Assent thereto, unless the same shall appear to you to be entirely free from the Objections stated to the clause before recited.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

The Publick of North Carolina to John Nuckols,			Dr.
for going against the Cherokee Indians in Obedience			
to an express from the Commanding officer of Tryon			
County Feb <sup>r</sup> 9 <sup>th</sup> 1771.			£ s. d.
John Nuckols Capt, 6 days at 7s. 6d.—	diet 4s.-----	2	19 0
W <sup>m</sup> Marchbanks, Lieut, 9 days at 5s.—	do 6s.-----	2	11 0
Patrick Moore, Ensign, 9 do at 4s. 6d.—	do 6s.-----	2	6 6
Adam Burchfield, Serg <sup>t</sup> 9 do at 4s.	do 6s.-----	2	2 0
Phil. Coleman, Serg <sup>t</sup> , 6 do at 4s.	do 4s.-----	1	8 0
Tho <sup>s</sup> Cole, Corpal, 9 do at 3s.	do 6s.-----	1	13 0
Hugh Moore, 9 do at 2s.	do 6s.-----	1	4 0
David Allen, 9 do at 2s.	do 6s.-----	1	4 0
Willis Hix, 9 do at 2s.	do 6s.-----	1	4 0
William Hix, 9 do at 2s.	do 6s.-----	1	4 0
Reuben Favors, 9 do at 2s.	do 6s.-----	1	4 0
Rob <sup>t</sup> Lawson, 9 do at 2s.	do 6s.-----	1	4 0
John Bukrum, 9 do at 2s.	do 6s.-----	1	4 0
Matthew Roberson, 9 do as 2s.	do 6s.-----	1	4 0
John Gordilock, 9 do at 2s.	do 6s.-----	1	4 0
[Name illegible] 9 do at 2s.	do 6s.-----	1	4 0
do 9 do at 2s.	do 6s.-----	1	4 0
do 9 do at 2s.	do 6s.-----	1	4 0
Nath <sup>l</sup> Simson, 9 do at 2s.	do 6s.-----	1	4 0
Tho <sup>s</sup> Barton, 9 do at 2s.	do 6s.-----	1	4 0
John Gibbs, 6 do at 2s.	do 4s.-----	16	0
Zack Gibbs, 6 do at 2s.	do 4s.-----	16	0
Tho <sup>s</sup> Elder, 6 do at 2s.	do 4s.-----	16	0
John Kelso, 6 do at 2s.	do 4s.-----	16	0
Field Farrah, 6 do at 2s.	do 4s.-----	16	0
Hugh Means, 6 do at 2s.	do 4s.-----	16	0
George Story, 6 do at 2s.	do 4s.-----	16	0
Robert Faris, 6 do at 2s.	do 4s.-----	16	0
Sam <sup>l</sup> Clowny, 6 do at 2s.	do 4s.-----	16	0
William Coleman, 6 do at 2s.	do 4s.-----	16	0
Martin Hammons, 6 do at 2s.	do 4s.-----	16	0
			<hr/>
			39 1 6

The above named persons was by orders to Capt Nuckols in the Countrys service against the Cherokee Indians the above Number of Days in Consequence of an Alarm from the Indian Traders and the Frontier Inhabitants of Tryon County

Given under my hand this 26<sup>th</sup> day of November 1771.

THOS. NEEL.

The above amount against the public of North Carolina was proved before me this 28<sup>th</sup> Nov. 1771.

JAMES DAVIS.

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[B. P. R. O. AM. & W. INDIES. VOL. 218.]

Letter from Governor Martin to Earl Hillsborough.

NEW YORK March 1<sup>st</sup> 1771.

I am this day honored with your Lordship's letter, of the 13<sup>th</sup> of December, signifying His Majesty's appointment of me, to the Government of North Carolina, in the room of M<sup>r</sup> Tryon.

I have the highest sense My Lord, of this gracious mark of Royal Favour, and I humbly hope, that your Lordship, will do me the honour, to make my most dutiful, and grateful acknowledgements to His Majesty.

The very obliging manner in which your Lordship has done me the honour to communicate The Kings pleasure, demands my warmest acknowledgements.

Your Lordship may be assured, that I will dispose my affairs, so, that I may repair to Carolina, as soon after I shall receive His Majesty's Commission, & Instructions, as possible.

I have the honour to be, with the greatest respect,

My Lord &c

JOSIAH MARTIN.

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[B. P. R. O. AMERICA & W. IND. N. C. VOL. 218.]

Deposition of Waighstill Avery.

NORTH CAROLINA }  
Mecklenburg County. }

Waighstill Avery testifieth and saith that on the sixth day of

March instant about nine or Ten o'clock in the morning he this deponent was at the now dwelling house of one Hudgins who lives and keeps the Atkin Ferry at the lower end of the long Island.

And he this Deponent then saw Thirty or Forty of those People who style themselves Regulators and was then and there arrested and forcibly detained a prisoner by one of them (who said his name was John M<sup>c</sup>Quinton) in the name of them all calling him and them the people and that soon thereafter one James Graham (commonly pronounced Grimes) spoke to this Deponent these Words "You are a Prisoner and You must not go anywhere without a Guard" immediately after one Thomas Hamilton spoke words of the same Tenor and purport adding that "You must keep with your Guard and you shant be hurt." Before this Deponent left the house the aforesaid James Graham desired him to step aside and then told him "You had but to call for a Bowl of Tody and treat the Captains for they are going to ride on to the regulating Camp." The Bowl of Tody being spent this Deponent was conducted under a Guard of two men to the regulating Camp (as they termed it) about a mile distant, where were many more persons of the same denomination and others came there some hours after, in the whole as this deponent supposes and imagines about two hundred and thirty. Here this Deponent [remained] unaided for 4 or 5 hours and got leave to pass from one part of their Camp to another repeatedly, as lead by curiosity to hear and see what was said and transacted and discover the Temper of the parties etc But was still deemed a Prisoner by all and many took upon them to command this Deponent. That from themselves he this Deponent learned the Names of five of their Captains or leading Men then present (viz, Thomas Hamilton and one other Hamilton, James Hunter, Joshua Teague one Gillespie and the aforesaid James Graham). He the deponent heard many of them whose names are to him unknown say approbious things against the Governor the Judges of the Superior Court against the House of Assembly and other persons in Office and while a surrounding crowd were uttering things still more approbious the said Thomas Hamilton stood in the midst and spoke words of the following tenor and purport (the crowd still assenting to and affirming the Truth of what was said) "What Business has Maurice Moore to be judge, he is no Judge, he was not appointed by the King he nor Henderson neither They'll neither of them hold Court" "The Assembly have gone and made a riotous Act, and the people

“are more enraged than ever, it was the best thing that could be for the County for now we shall be forced to kill all the Clerks and lawyers and we will kill them and I’ll be damned if they are not put to death, If they had not made that Act we might have suffered some of them to live. A Riotous Act! there never was any such Act in the laws of England or any other Country but France, they brought it from France and they’ll bring the Inquisition next.” Many of them said the Governor was a friend to the Lawyers and the Assembly had worsted the regulations in making Laws for Fees, They shut Husband up in gaol that he might not see their roguish proceedings and then the Governor and the Assembly made just such Laws as the Lawyers wanted. The Governor is a friend to the Lawyers, the Lawyers carry on everything, they appoint weak ignorant Justices of Peace for their own purposes. They had worsted the regulations in making laws for Fees but they the Regulators were sworn that they should not get them — There should be no Lawyers in the Province, they damned themselves if there should. Fanning was outlawed the Twenty second of March and any Regulator that saw him after that time would kill him and some said they would not wait for that, wished they could see him and swore they would kill him before they returned if they could find him at Salisbury. Some wished they could see Judge Moore at Salisbury that they might flog him, others that they might kill him, others said neither Judge nor Kings Attorney should come they would be be waylaid, one Robert Thomson said Maurice Moore was ----- and called him by opprobrious names as Rascal, Rogue, Villian, scoundrell etc, others assented to it. Thomson saw Maurice Moore was partial in the Tryal of His suit, that when he the said Thomson obtained a Recovery on a land cause Judge Moore granted a new tryal but when he was cast and the other contending party obtained a Recovery Judge Moore damned himself (on the Bench) if he knew what to do and denied a Tryal, but that he the said Thomson was in possession, stood in defiance and would see who would take it from him.

When news was brought that Captain Rutherford at the head of his Company was parading in the Streets of Salisbury, this Deponent heard sundry of them urge very hard and strenuously that the whole Body of the Regulators then present should march into Salisbury with their Arms and fight them saying they had then

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enough to kill them, We can kill them, We will teach them to oppose us.

WAIGHSTILL AVERY.

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[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF STATE.]

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Agreement for restitution by Rowan County officials to the Regulators.

We the subscribers officers of Rowan County now met at Mr Steels with a committee of the People called Regulators now assembled at the meeting for a Redress of Grievances as to officers fees and disputes to wit Messrs James Hunter John Inyerd W<sup>m</sup> Wilburn Thos Flake John Curry James Wilson Sam Wagoner Daniel Gillespie Jas Graham Henry Wade Peter Julian Jeremiah Fields John Vickory Sam<sup>l</sup> Jones & Joshua Teague to receive the Proposals as shall be offered by the several officers for the approbation of the People who are desirous of nothing more than Justice and Peace with every person whatsoever and that all Debates hereafter may subside now the several Officers Hereto subscribed do hereby agree to settle and pay unto any and every person within the county any and all such sum or sums of money as we or our Deputies have taken through inadvertency or otherwise over and above what we severally ought to have taken for fees more than what the Law allow<sup>d</sup> or entitled us so to receive without any trouble or Law for the recovery of the same and it is further agreed by the said committee that when any debate may arise and that all persons within this county do give in their demands to such persons as shall be hereafter appointed by the People in each neighborhood to receive the same and to be determined by the following Gentlemen joyntly and unanimously chosen between the parties (to-wit) Matthew Locke Herman Husband James Smith James Hunter Samuel Young Thos Persons John Kerr and James Graham or the majority of them and their determination to be a final end to all former differences whatsoever and that they meet at John Kimborough on the third tues-



day in May next. Given under our hand this 7<sup>th</sup> day of March 1771.

JOHN FROHAWK C C  
 W<sup>m</sup> FROHAWK D S  
 GRIFFITH RUTHERFORD S  
 THOS FROHAWK C S C  
 BEN<sup>a</sup> MILLER Sh  
 JOHN BRAWLEY Reg<sup>r</sup>  
 ANDREW ALLISON Sherf  
 FRANCIS LOCKE Sherf  
 JOHN DUN  
 by J Frohawk and Ellis Martin  
 ALEX<sup>r</sup> MARTIN  
 W<sup>m</sup> NAZARY  
 W<sup>m</sup> TEMPLE COLE Sh<sup>erf</sup>  
 by John Frohawk

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Lord Hillsborough.

NEWBERN 9<sup>th</sup> March 1771.

The inclosuress are the six Bills I rejected at last Session of Assembly, I shall here take the liberty to state my reasons for not giving my assent to them.

"An Act to empower the Church Wardens and Vestrymen of the Parish of St Gabriel in the County of Duplin to sell the Glebe in the said County and Parish."

By the tenor of this Bill the Glebe directed to be purchased is vested in fee simple in the Church Wardens, Vestrymen and their successors for the use of the Parish, by which provision it would have been left discretionary in the vestry to have given or refused the use of the glebe to the minister presented. Whereas an Act for establishing an Orthodox Clergy passed in 1765, clause the 3<sup>d</sup> expressly directs, "A Tract of good Land to contain two hundred acres at least, shall be purchased by the Vestry as a Glebe for the use of the incumbent of such Parish for the time being and his successors forever.

2<sup>dly</sup> An Act for securing the Titles of the Freeholders of this Province."

The Bill tho' beneficial in its general object directs the record books in the Registers Office should be taken out of that office and carried to the County Courts, without any provision made to relodge

them from whence they were taken, I considered this omission might be the indirect means to carry the Registers Office into the County Courts where no power and jurisdiction is thought too extensive. A Bill of the same purport with this, free of the above objection, was passed at the close of the session.

3<sup>dly</sup> "An Additional Act intituled An Act to regulate Elections for Members to serve in the General Assembly and to ascertain who shall be qualified to vote at the said election, &c."

This Bill I conceived replete with objections coming directly within the 15<sup>th</sup> Article of his Majesty's instructions as well as repugnant to the British Statutes, in empowering the Coroner to take the poll at elections, a practice that would be attended with prejudicial consequences to the police of this country, for while the Coroner was permitted to perform all the duties of a Sheriff without being subject to the same restrictions and penalties with the Sheriff, few persons would be found to accept the office of Sheriff.

4<sup>thly</sup> "An Act for restraint of Vagrants and for making provision for the Poor."

The restrictions laid on masters of Vessels by this Bill I considered too severe and what in its operation would be injurious to that freedom of commerce so necessary to be preserved between the mother country and its colony.

5<sup>thly</sup> "An Act to amend an Act entitled An Act for the regulation of the town of Wilmington."

The unlimited jurisdiction lodged by this Bill in the Commissioners for laying an annual ground rent on all persons who have piazzas to their houses, I thought improper as the power given the said Commissioners to fix the times for holding fairs and markets was the province only of the Crown or the Legislature.

6<sup>thly</sup> "An Act to amend an Act intituled An Act for establishing a town on the lands of John and William Russell deceased on the west side of the northwest branch of Cape Fear River near the mouth of Cross Creek by the name of Campbelton."

This law is objectionable resting in the Commissioners the appointment of the times for holding fairs and markets as in the preceding bill.

Having thus, my Lord, set forth the principal causes of my refusing my assent to the above mentioned bills, I shall before I conclude acquaint your Lordship that in the course of the session I informed some gentlemen of the Assembly that I thought this province should

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do the equal act of justice to the Crown as Virginia had long since done in passing an effectual Quit Rent law, That if the Assembly would frame a Bill giving the Crown the same powers of recovery for the non payment of Quit Rents as is provided in the Virginia laws I would consent, till his Majestys pleasure was known to give up all arrears of Quit Rents due to the Crown to the time of the ratification of the Act by the King, provided the law was put under a suspending clause, it not being in my power I said to dispose of the property of the sovereign, uninstructed as I stood at that time, relative to such a release of Quit Rents. This proposal was accepted by the gentlemen present and the inclosed Bill prepared intituled, "A Bill for the more easy and certain collection of his Majesty's Quit Rents in this province." On the third reading in the lower House these words were inserted, "Or shall not pay down in Court all arrears of Quit Rents and all costs accrued thereon." This clause appeared to me to take away the chief force of the bill, therefore acquainted the Council I would not venture to pass it even with the suspending clause unless they could induce the Assembly to *delete* the clause they inserted, their attempts proving unsuccessful the Bill fell in the Council. Should the plan of this Bill meet with his Majestys approbation, I am of opinion it may be carried into execution in a future session free of the objectionable clause. Many of the members declared out of doors that as it was a Bill of so great importance they chose to consult their constituents before they gave their assent. It met with the greatest opposition from the representatives in Lord Granvilles district (who apparently had no interest in the event) Two thirds of the members in the Kings part were I am told for the Bill as first prepared.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough,

NEWBERN the 11<sup>th</sup> March 1771.

In the course of this Session I laid every matter before the House, recommended in your Lordships correspondence, and urged every other point that I considered would be beneficial to his Majestys service and the prosperity of this colony, and was honorably seconded by the Legislature in those views. There was however one

step taken that gave me much concern. It was the resolves passed respecting Mr Henderson one of the Associate Judges. This was done by surprise in a very thin House composed of the friends of a member of the House who stood charged by Mr Henderson with having perjured himself. I am sensible Mr Henderson will have a more favorable verdict at the next Session, a majority of the members who happened to be absent when this unfair advantage was taken, declaring afterwards their disapprobation thereof.

Mr Henderson, my Lord, is a man of probity and a firm friend to government as well from principle as from the duty of his office, and who from his spirited endeavours to preserve the last Hillsborough Superiour Court against the insults of the insurgents, by the malice of his enemies and those of government, has had his house, stables, four horses and many other effects burnt last winter, sufferings which pleaded for more humanity than he received from the representatives of his countrymen.

I will trouble your Lordship with one more occurrence of this Session which respects my application for a fund to carry any necessary military operations against the insurgents, which my message to the House page 211 will set forth. Their answer tho' I think a very indirect one is under page 234 already transmitted. The substance of this answer will evince the great difficulties and embarrassments administration labors under, money being the nerves and sinews of government both civil and military.

The five hundred pound note of credit in page 92 will be expended in remounting some iron cannon, nine pounders, other little incidental charges and in carrying a line of intrenchments from Neuse to Trent River, in length about fifteen hundred yards, which will with those two rivers encompass the whole town.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

NEWBERN the 12<sup>th</sup> March 1771.

I have the honor herewith to transmit to your Lordship the Acts passed last session of Assembly, at the same time I take the liberty to make a few comments on some of them.

"An Act for founding, establishing, and endowing of Queens College in the town of Charlotte, in Mecklenburg county,"

Is but the outlines of a foundation for the education of youth. The necessity for such an institution in this country is obvious, and the propriety of the mode here adopted must be submitted to his Majesty. Though the President is to be of the established church and licensed by the Governor, the Fellows, Trustees and Tutors I apprehend will be generally Presbyterians, the college being promoted by a respectable settlement of that persuasion from which a considerable body marched to Hillsborough in September 1768 in support of government.

"An Act to encourage the further settlement of this Province,"

Was enacted on behalf of several ship loads of Scotch families which have landed in this province within three years past from the Isles of Arran, Durah, Islay and Gigah but chief of them from Argyle Shire and are mostly settled in Cumberland County. The numbers of these new settlers are computed at sixteen hundred men, women and children. The reason they alledged for coming to America was that the rents of their lands were so raised that they could not live upon them, and those who were mechanics were particularly encouraged to settle here by their countrymen who have been settled many years in this province.

"An Act to prevent the exportation of unmerchantable commodities,"

Provides for several material improvements in the packing and shipping of naval stores as recommended by your Lordship in consequence of the London merchants memorial to that purpose.

"An Act to ascertain Attorneys fees," As also an additional and explanatory Act to an Act Intituled "An Act to regulate the several Officers fees within this province, and to ascertain the method of paying the same and to tax law suits,"

Are two most salutary laws and I expect will prove in their operation very satisfactory and beneficial to the country.

"An Act to regulate the issuing of Marriage Licenses,"

Will better secure than formerly the fees due to the Governor and give him a summary way of calling the clerks regularly to account with him; a habit little known or practiced among some of them.

"An Act for authorizing Presbyterian ministers regularly called to any congregation within this province, to solemnize the rights of matrimony under the regulations therein mentioned."

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This Act I apprehend might be found by the Bishop of London, to whom I presume it will be referred, liable to great objections, therefore it was passed with a suspending clause till his Majesty's pleasure should be known. If it is not thought too much to interfere with, and check the growth of the Church of England, I am sensible the attachment the Presbyterians have shewn to government merit the indulgence of this Act. The House of Assembly by their Journals have set forth at large their reasons for framing this Bill; a testimony that plainly evinced the Presbyterians were the strongest party in the House.

The Acts for erecting four new counties seemed a measure highly necessary from the too great extent of the counties they were taken out of. The erecting Guilford County out of Rowan and Orange Counties was in the distracted state of this country a truly political division, as it separated the main body of the Insurgents from Orange County and left them in Guilford.

"An Act for the more speedy recovery of all debts and demands under five pounds proclamation money within this Province."

This Law I conceived came within the spirit of my instructions, but when I reflected on the madness of these times, and the great jealousy the people entertained of the courts and officers, I thought that this law might have the purpose of calming the minds of such whose hearts were fixed on the success of this Bill, more especially as its duration was but for two years, and an appeal reserved from the Magistrates to the County Courts.

"An Act to encourage and support the establishment of a Post Office in this Province."

The encouragement though small given by this law will greatly facilitate the passage of the post across the many ferries in this country and be a means of more punctuality in the rider as well as assistance to him under difficulties.

"An Act for granting the Chief Justice a salary out of the contingent Fund,"

Provides a salary for the Chief Justice in lieu of fees, handsome and honorable, and equal to the abilities of the Province. It was moved that the law should be without limitation but without success.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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NORTH CAROLINA }  
 Newbern District } Ss.

At a Special Court of Oyer & Terminer and General Gaol Delivery began and held at Newbern in the District aforesaid on Monday the eleventh Day of March A. D. 1771, in the eleventh year of his Majesty's Reign,

Present

The Honble Martin Howard Esq<sup>r</sup> Chief Justice.

After the several Proclamations were made the Honble Martin Howard Esq<sup>r</sup> Chief Justice produced a Commission from His Excellency William Tryon Esq<sup>r</sup> empowering him the said Martin Howard, Maurice Moore & Richard Henderson Esq<sup>rs</sup> to Hold a Court of Oyer & Terminer & General Gaol Delivery in the District of Newbern which was read accordingly.

The Sheriff of Craven County returned the following persons for Grand and Petit Jurors, viz,

Joseph Leech,	Richard Cogdell,	Charles Crawford,
Jacob Blount,	James Greene Sen <sup>r</sup> ,	Thomas Webber,
Thomas Haslin,	John Fonville Sen <sup>r</sup> ,	Edward Franck,
John Hawkes,	Samuel Smith,	John Turner.

The Sheriff of Carteret County returned the following Persons for Grand and Petit Jurors,

W <sup>m</sup> Thompson Esq <sup>r</sup> ,	William Dennis,	Ross Bell,
Robert Reed,	George Brinharris,	Elijah Piggot,
Malachi Bell,	Joseph Fulford,	Zachariah Harker,
John Whitehouse,	George Bell,	James Harker.

The Court adjourned till Tuesday morning 10 o'clock.

Tuesday 12<sup>th</sup>

The Court met according to adjournment.

Present

The Honble Martin Howard Esq<sup>r</sup> Chief Justice

The Honble Maurice Moore Esq<sup>r</sup> Associate Justice.

The Sheriff of Dobbs County returned the following Persons for Grand and Petit Jurors, viz,

Richard Caswell	Stephen Blackman	Joseph Greene
Francis McIlwean	William Whitfield Jr	Jesse Jernagan

Tho <sup>s</sup> Torrance	James Glasgow	Constantine Whitfield
Simon Bright	Jesse Cobb	Benjamin Griffin

The Sheriff of Pitt County returned the following Persons for Grand and Petit Jurors, viz,

John Simpson Esq <sup>r</sup>	Edward Salter	James Alberson
Amos Alkerson Esq <sup>r</sup>	Rich <sup>d</sup> Evans Esq <sup>r</sup>	Richard Allen
Robert Daniel Esq <sup>r</sup>	Isiac Eason	Thomas Alberson
Benj <sup>a</sup> Bowers Esq <sup>r</sup>	Aaron Tison	Brittain King

Court adjourned till tomorrow morning 10 o'clock.

Wednesday the 13<sup>th</sup>.

Court met according to adjournment.

Present

The Honble Martin Howard Esq<sup>r</sup> Chief Justice.

The Honble Maurice Moore Esq<sup>r</sup> Associate Justice.

Court adjourned till Thursday morning 10 o'clock.

Thursday 14<sup>th</sup>.

Court met according to adjournment.

Present

The Honble Martin Howard Esq<sup>r</sup> Chief Justice.

Ordered that the List of Constables be called.

The Court adjourned till to morrow morning 10 o'clock.

Friday 15<sup>th</sup>.

The Court met according to adjournment.

Present

The Honble Martin Howard Esq<sup>r</sup> Chief Justice.

The Honble Maurice Moore Esq<sup>r</sup> Associate Justice.

The Honble Rich<sup>d</sup> Henderson Esq<sup>r</sup> Associate Justice.

The Presentment of the Grand Jury of the District of Newbern.

Whereas a number of unthinking and deluded People, inhabitants of the county of Orange and of the neighbouring counties in this Province, under the influence and direction of several Wicked, Seditious, Evil Designing and disaffected Persons have assumed to themselves the Title of Regulators and in open Defiance of the Law of the Land, in great Numbers, under Arms, assembled together, violently resisted insulted and beat the sheriffs and other officers in the execution of their Office and expressly refused to pay their



shares of the Public Taxes laid by the General Assembly of the Province for the support of Government, and at the last superior Court of Justice held for the District of Hillsborough in the month of September last, assembled together, in a riotous and tumultuous manner, barbarously insulted and broke up that Court, cruelly beating and wounding the Officers thereof, destroying and pillaging the Houses of such Persons who were obnoxious to their Ringleaders and have lately assembled themselves in great numbers armed and arrayed in warlike manner and publickly avowing their intention of Marching to Newbern and of carrying into execution by Force their hostile measures.

We, the Grand Jury of the district of Newbern being thoroughly sensible that actions and attempts so execrable and mischievous (if permitted) are plain usurpations of the Power of the Legislature, substituting in its place armed and lawless Force, and thereby leaving as a prey to the stronger the lives, liberties and properties of our weaker fellow subjects, and that honest industry can have an existence only no longer than property, which is the Fruits of it, is secured by fixed and established Laws. And we being fully and perfectly sensible of the great happiness and liberty which the subjects of this Province do enjoy under his Majestys gentle and benign Administration thereof and that such flagitious crimes, in proportion to the success of them, must necessarily be subversive of the invaluable Blessings, and introductive of Anarchy and Confusion, Do therefore present all such wicked, seditious, evil, designing and disaffected Persons, who under the Title of Regulators have hitherto perpetrated or attempted to perpetrate or may hereafter attempt to perpetrate such enormous crimes or Offences, as being enemies to his Majestys Person and Government, and to the liberty, happiness and tranquility of his good and faithful subjects of the Province.

Given under our hands and seals this 15<sup>th</sup> Day of March in the year of our Lord 1771.

Ordered that a Copy of the Presentment be sent to the Printer and published in the Public Gazette.

The Court adjourned till to morrow 10 o'clock.

Saturday 16<sup>th</sup>.

The Court met according to adjournment.

Present

The Honble Martin Howard Esq<sup>r</sup> Chief Justice.

The Court adjourned *Sine Die*.

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Crown Prosecutions at a Special Court of Oyer and Terminer and General Gaol Delivery held at Newbern the 11<sup>th</sup> Day of March 1771.

- 1 — The King *vs.* John Fruit. Riot A. B — a true Bill.
- 2 — The same *vs.* Matthew Hamilton. Same.
- 3 — The same *vs.* Eli Branson. Same.
- 4 — The same *vs.* Thomas Hamilton. Same.
- 5 — The King *vs.* Moses Smith. Riot.
- 6 — The King *vs.* James Low. Same.
- 7 — The King *vs.* Daniel Smith. Same.
- 8 — The King *vs.* Jeremiah Fields. Same.
- 9 — The King *vs.* John Pugh. Same.
- 10 — The King *vs.* Samuel Deviney. Same.
- 11 — The King *vs.* William Dunn. Same.
- 12 — The King *vs.* Henry Linteman. Same.
- 13 — The King *vs.* Tho<sup>s</sup> Wilborne. Same.
- 14 — The King *vs.* William Butler. Same.
- 15 — The King *vs.* Ninion Bell Hamilton. Same.
- 16 — The King *vs.* Ninion Hamilton. Same.
- 17 — The King *vs.* Peter Craven. Same.
- 18 — The King *vs.* William Payne. Same.
- 19 — The King *vs.* Tho<sup>s</sup> Wilborne. Same.
- 20 — The King *vs.* Samuel Dibury. Same.
- 21 — Same *vs.* Henry Linterman. Same.
- 22 — Same *vs.* Samuel Deviney. Same.
- 23 — Same *vs.* Eli Branson. Same.
- 24 — Same *vs.* Ninion Hamilton. Same.
- 25 — Same *vs.* John Fruit. Same.
- 26 — Same *vs.* Peter Craven. Same.
- 27 — Same *vs.* James Lowe. Same.
- 28 — Same *vs.* Herman Husband. Same.
- 29 — Same *vs.* James Hunter. Riot A. B. — A true Bill.
- 30 — The same *vs.* William Butler. Same.
- 31 — The same *vs.* Thomas Hamilton. Same.
- 32 — The same *vs.* John Pugh. Same.
- 33 — The same *vs.* Jeremiah Fields. Same.
- 34 — The same *vs.* Ninion Bell Hamilton. Same.
- 35 — The same *vs.* William Butler. Felony — a true Bill.
- 36 — The same *vs.* John Grappen. Same.

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- 37 — The same *vs.* Samuel Deviney. Same.  
 38 — The same *vs.* James Hunter. Same.  
 39 — The same *vs.* Matthew Hamilton. Same.  
 40 — The same *vs.* James Few Jr. Same.  
 41 — The same *vs.* William Payne. Riot A. B. — a true Bill.  
 42 — The same *vs.* Aaron Harland Sen<sup>r</sup>. Same.  
 43 — The same *vs.* Reuben Landrum. Same.  
 44 — The same *vs.* Richard Copeland. Same.  
 45 — The King *vs.* Richard Copeland. Same.  
 46 — The King *vs.* Aaron Harland Sen<sup>r</sup>. Same.  
 47 — The King *vs.* James Binnun. Same.  
 48 — The King *vs.* Rednap Howell. Same.  
 49 — The King *vs.* James Hearndon. Same.  
 50 — The King *vs.* Samuel Culberson. Same.  
 51 — The King *vs.* Reuben Landrum. Same.  
 52 — The King *vs.* Patrick Crayton. Same.  
 53 — The King *vs.* Patrick Crayton. Same.  
 54 — The King *vs.* Rednap Howell. A true Bill.  
 55 — The King *vs.* William Butler. A true Bill.  
 56 — The King *vs.* Peter Craven. A true Bill.  
 57 — The King *vs.* John M<sup>c</sup>Daniel. A true Bill.  
 58 — The King *vs.* Rednap Howell. A true Bill.  
 59 — The King *vs.* Matthew Hamilton. A true Bill.  
 60 — The King *vs.* Rednap Howell. A true Bill.  
 61 — The King *vs.* Robinson York. A true Bill.  
 62 — The King *vs.* Daniel Smith. A true Bill.

Ralph M<sup>c</sup>Nair, Adlai Osborne, Carnes Tinnen, Robert Tinnen, Darby Henley, Philip Jackson, Basil Jackson, Barnab G. Cabe, Josiah Lyon, John Hogan, James Thackston, John Butler, John Henley, Nathaniel Turner and Jacob Mason severally recognized to make their personal appearance on the eleventh Day of May next to give evidence in Behalf of the King against John Fruit upon the Penalty of £200 Proc Money.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

NEWBORN 13<sup>th</sup> March 1771.

ave been honored with your Lordship's correspondence of the

28<sup>th</sup> September, N<sup>o</sup> 34, 3<sup>d</sup> October, N<sup>o</sup> 35, 15<sup>th</sup> & 16<sup>th</sup> November, and the 11<sup>th</sup> of December with their inclosures.

As I received the four first dispatches during the setting of the last Session, I communicated to the House of Assembly the requisitions contained in them, as appears by the Journals of that House.

Though it was not possible to obtain a Tonnage Act for the supply of powder and lead, a grant was made by resolve for the purchase of five thousand weight of gun powder and two thousand weight of lead. This will be lodged in Fort Johnston. The objection made to pass a Tonnage Bill is the restriction in the Governor's instructions from putting the country vessels on a better footing than those of other countries, while the Representatives say the vessels of other colonies in their respective ports have peculiar immunities to vessels not owned in the country. This my Lord I take to be the case with respect to the Powder Act in South Carolina. If the vessels owned in the province were allowed to pay only half as much as those not owned there, I am apt to believe a Tonnage Bill for ammunition might be procured from the Legislature.

Your Lordship's intimation of the probability of a war, and his Majesty's most gracious speech to both Houses of Parliament, were duly laid before the House, as also Sir William Johnston's correspondence respecting the complaints of the Northern Indians as reference being had to the Assemblys Journals will shew.

In your dispatch of the 11<sup>th</sup> of December I am informed of the augmentation to the Kings forces. I shall be happy in exerting every vigilant attention in his Majesty's service, to give every possible encouragement to the raising recruits for such regiments who shall send recruiting parties into this Province.

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[B. P. R. O. AM. & W. IND. NO. CAROLINA. VOL. 218.]

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Letter from John Frohock and Alexander Martin to Governor Tryon.

SALISBURY 18<sup>th</sup> March 1771.

MAY IT PLEASE YOUR EXCELLENCY

As you have been ever attentive to the true Interest of the Province during your Administration and have exerted every prudent method to maintain its Public Peace by endeavouring to quell a most dangerous and lawless Insurrection that has of late disturbed this part

of your Government permit us Sir to discharge our Duty on this Occasion by informing you to what issue Regulation (as it is called) is brought and upon what Footing it stands at present in the District of Salisbury.

The Regulators upon their return from their Expedition to rescue Herman Husband, formed a design to visit Salisbury Superior Court which hearing one of us went down into their Settlements to know the reality of their Intentions and found them assembled for that purpose, though peaceably disposed beyond expectation. On the sixth of this Instant they accordingly appeared to the amount of four or five hundred incamped in the Woods on this side of the Adkin River. We went to them found some of them Armed and others unarmed desired to know their Designs and what they wanted. They answered they came with no Intention to disturb the Court or to injure the Person or property of any one, only to petition the Court for a redress of Grievances against Officers taking exorbitant Fees, and that their Arms were not for Offence, but to defend themselves if assaulted. These were the general Answers of their Chiefs, though there were several Threats and Menaces of whipping flung out by the lower Characters among them against some particular persons but not by the general voice. We told them there was not any Court, that from this late Behavior the Judges did not think it prudent to hold one at Salisbury under the direction of Whips and Clubs. They seemed somewhat concerned and said there would have been no danger for the Chief Justice to have held a Court, but as to the Associates they were silent. We further told them if any of us were the persons against whom they had complaints justly founded We were always ready and willing to give them satisfaction without their disturbing the public Peace. They intimated we were some of the persons against whom they were to complain and to shew their disposition for peace and that all disputes between them and us should subside hereafter they formed a Committee to wait on us, and to propose a plan of accommodating matters, who were Jeremiah Fields, Joshua Teague, Samuel Jones, John Vickery, Samuel Waggoner, James Graham, John Enyart, James Hunter, Peter Julian, John Corry, Henry Wade, William Wilborn Jun<sup>r</sup>, Samuel Law, Thomas Flack, Daniel Galaspie and James Wilson, who proposed in behalf of the people (as they said) to leave every complaint and dispute subsisting between us to men by each of us to be indifferently chosen, to which we readily agreed as equitable.

Accordingly on their part they nominated Herman Husband, James Graham, James Hunter and Thomas Person, We in turn chose Matthew Locke, John -----, Samuel Young and James Smith, that they or a majority of them should Arbitrate and finally settle every difference between us whatsoever. And also fixed the Time for the meeting of the Arbitrators and every person concerned on the third Tuesday in May next at John Kimborough's on Huwaree. By this Agreement no Officer is included but those of this County and those who voluntarily join the same. Upon which the main Body after being informed what had been done, went through the Town, gave three Cheers and returned to their homes without using Violence to any Person whatsoever to our knowledge.

This may it please your Excellency is a short detail of what passed between the Regulators and us the sixth and seventh of this instant and had they been insolent and daring enough to have committed any Outrages, there were in consequence of Orders given previous to their coming three Companies of the Militia armed headed by their respective Officers, Major Dobbins, Captain Rutherford and Captain Berger ready in Town to oppose them and to protect the Court if there had been any: And on the seventh Day Col<sup>o</sup> Alexander and Captain Polk appeared from Mecklenburg with Seventy or Eighty men for the same purpose, to whom the Thanks of this County are justly due. From such appearances of Opposition this deluded people begin to grow sick of Regulation and want peace upon any tolerable Terms. As the Spirit of sedition has been propagated with much industry among the lower class of Inhabitants here, who are loud in their clamors against the officers, We flatter ourselves the Measures we have taken will be approved of and acceptable to your Excellency, having a tendency to still the minds of many misinformed misguided, though well meaning persons who have been inadvertantly drawn into join the Faction. For we are conscious of our Innocence and that their complaints are chiefly groundless and are willing and desirous that any set of reasonable men may inspect and judge our conduct. This when the populace is once satisfied if they will drop their prejudices and their haughty Leaders will become Objects of their, as well as the Government Resentment. This procedure we expect will have more effect on their Minds than all the Formalities of Law whatsoever, as they would still suggest they had injustice done them. They want they say to converse with the Officers who have taken

their Money to satisfy them for what (this is surely reasonable) and they will all be quiet again, This we have undertaken to do and Time must produce the Effect. If our hopes and wishes be not too sanguine, perhaps this may be the foundation of putting an End to all future Tumult and disorder, and would hope that our conduct by no means reflects any dishonor on the Government or lessen the dignity of the Administration to punish those Offenders heretofore guilty of outrages, adequate to their Crimes, but shows the desire and readiness of us to remove every complaint they may have against us, without involving the Government in a considerable and unnecessary Expence. But should these Terms not have their desired effect the aggravation of their guilt will surely be much the greater. Upon the whole we submit these proceedings to your Excellencys wiser Judgment and flatter Ourselves with the Approbation. We assure you Sir we shall always be fond of whatever Instruction you shall please to honor us with relative to our future conduct, in which the peace and welfare of the Government is so much concerned.

We are with our utmost Respect &c

JOHN FROHOCK.

ALEX<sup>r</sup> MARTIN.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

### COUNCIL JOURNALS.

At a Council held at the Council Chamber at the Palace in New Bern on 18<sup>th</sup> March 1771,

Present,

His Excellency the Governor

The Honble	{	James Hasell	Martin Howard &	} Esquires
		Robert Palmer	Samuel Cornell	

The Governor laid before the Board a letter he had intercepted of Rednap Howells to James Hunter dated from Halifax 16<sup>th</sup> February last and ordered the same to be read and inserted in the Journals—Read the said letter which is as follows,

HALIFAX Feb. 16<sup>th</sup> 1771.

RESPECTED FRIEND,

On my setting out for Hallifax my horse fell sick which detained me some time so that on my arrival here I had certain information

that Herman was at liberty; so that I found it needless to raise the Country but I am satisfied it would be easily done if occasion required, however I have animated the people here to join the Regulation; on Saturday come 2 weeks they are to have a meeting for the purpose. If it once takes a start here it will run into the neighboring Counties of Edgecomb, Bute and Northampton and this will undoubtedly facilitate Justice to poor Carolina. I will now inform you of such things as I have learnt since I left home. At New Bern the Governor called a general muster of 1,100 men; after treating them at yours and my expence he tried to prevail on them to march against the rebels but on one man's absolute refusal he ordered him to turn out of the Ranks for a Traitor, which he very readily did and all the Regiment followed or were following him; the Governor perceiving his mistake says Gentlemen you mistook me I only meant should they come down and destroy all your livings would you not fight them; they answered yes on which he dismissed them, they then gathered in Companys of 6, 8, 10 & 12 growling and swearing would the Mob come down they would join them. In Dobbs a general muster was called for the same purpose, but only seven men attended. I am informed the Clerk's places in the New Countrys are parcelled out among the Quality; one Cooper is designed for your Country but if you suffer any rascal to come there may eternal oppressions be your lot: as I cannot solely depend on the Irish ahead pray you will reserve that morsel for yours to serve; for as the whole province is in your favor you may do as you list in that respect. I understand Butler and you are to be outlawed; despise it laugh at it — We hear that the Governor has sent a proclamation to you importing as the French and Spaniards are now at war with us, it's a pity to breed a civil war among ourselves; that the Chief cause of the trouble was the counterfeit money for which the great men were to blame; artful V — n! if he could have raised the Province on us he would have told another tale. However if this be true the day is ours in spite of Lucifer — I give out here that the Regulators are determined to whip every one who goes to Law or will not pay his just debts or will not agree to leave his cause to men where disputes; that they will choose Representatives but not send them to be put in jail; in short to stand in defiance and as to thieves to drive them out of the Country. I leave the plan to your consideration from your sincere friend

REDNAP HOWELL.



His Excellency judging the contents of the above letter a plain declaration of the principles of the Regulators and observing that their wicked [designs] were daily taking deeper root in the Province thinks it expedient if with the advice of the Council to raise as soon as the necessary preparations could be made a sufficient body of forces from several Regiments of Militia and to March with them into the settlements of the Insurgents and reduce them by force to an obedience to the Laws of their Country. That while the forces are in their settlements to support the Sheriff in the levying the taxes due from those people; to protect the Election of a new member for Orange County in the room of Herman Husband expelled and to aid the Commissioners in running the dividing line between Orange and Guilford Countys; none of which Acts of Government can be carried into execution unless strengthened with a military force.

The Regulators making publick declarations they will pay no regard to the Laws passed last Session, as is certified and particularly set forth by the Association signed and presentment made by the grand jury assembled the 11<sup>th</sup> Instant, in this Town (under a commission of special Court of Oyer and Terminer) for receiving Indictments against the Insurgents and who have actually found sixty one Bills against these people — The Governor therefore upon these considerations desired the opinion and advice of the Board respecting the propriety of his Intentions to raise the Militia forces for the protection of Government.

The Board taking the same into their serious consideration, It is their unanimous opinion that the most effectual measures to reduce the people calling themselves Regulators be pursued by raising a body of sufficient forces from the Militia and marching against them with all expedition.

Mr Maurice Moore and Mr Henderson Associate Judges desired to wait on the Government in Council and delivered in at the Table the following letter relative to the opinion of Council of the 27<sup>th</sup> of February last — Viz<sup>t</sup>,

SIR,

Your Excellency having signified to us your opinion, that it is expedient that the Chief Justice, Associate Justices and Attorney General should attend the ensuing Superior Court at Hillsborough, We do acquaint Your Excellency that we have conferred together upon the subject, and considering the violences committed there the

last Court, And being well informed that the disturbances and distractions in that district are rather increasing than declining — We submit it to your Excellency as our opinion, that we cannot attend that Court with any hopes of transacting the business of it, or indeed with any prospect of personal safety to ourselves.

(Signed)

M. HOWARD, C. J.

M. MOORE.

R. HENDERSON.

His Excellency Governor Tryon.

March 18<sup>th</sup> 1771, New Bern.

His Excellency then desired the opinion of the Board whether the reasons set forth in the foregoing letter are sufficient for the Judges not giving their attendance at the next Hillsborough Court. It is the opinion of the Board that the reasons are sufficient.

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At a Council held in the Council Chamber at the Palace in New Bern 19<sup>th</sup> March 1771 —

Present

His Excellency the Governor

The Honble {	James Hasell	Martin Howard	} Esquires
	Robert Palmer	Samuel Cornell	

His Excellency laid before the Board the following letter of Mr Henderson and desired their opinion thereon.

NEW BERN 18<sup>th</sup> March 1771.

SIR,

Whereas there are sundry Persons in Granville County who have been charged with the crime of making, uttering and passing counterfeit proclamation money and public bills of Credit of this Province and in particular one Robert Pryor and William Wharton are now actually under recognizance for their appearance at the next Court to be held at Hillsborough on the twenty second of March, instant, And as I am informed by the Justices who swore and examined the witnesses against them that those persons with many others residing in the same County and elsewhere are certainly guilty of the said offences, And as from the public disturbances in the western parts of this province no Superior Court of Justice will be held at Hillsborough on the said Twenty second day of March so that it may justly be supposed unless some extraordinary measures are speedily

taken, those dangerous offenders elude publick Justice, Therefore do humbly submit it to Your Excellency as my opinion that a special Court of Oyer and Terminer to be held at Oxford in Granville County (where I think it may sit without danger of being obstructed by the Insurgents) would be a real benefit to this province in General, and to those parts in particular.

I am Your Excellency's most Obed<sup>t</sup>  
most dutiful and obliged hum. serv<sup>t</sup>

RICH<sup>d</sup> HENDERSON.

HIS EXCELLENCY GOVERNOR TRYON—

It is the opinion of the Board for the reasons set forth in Mr Henderson's letter that a Court of Oyer and Terminer would be a very proper measure at this Time.

Ordered a Commission of Oyer and Terminer issue accordingly.

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[B. P. R. O. AM. & W. IND. NO. CAROLINA. VOL. 218.]

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Copy of His Excellency Governor Tryon's Letter to the commanding Officers of several Regiments of Militia.

NEWBERN 19<sup>th</sup> March 1771.

SIR,

I yesterday determined by consent of his Majesty's Council to march with a Body of Forces taken from several Militia Regiments, into the settlements of the Insurgents to reduce them to Obedience, who by their rebellious Acts and Declarations have set the Government at defiance and interrupted the course of Justice by obstructing overturning and shutting up the Courts of Law. That some of your Regiment therefore may have a share in the Honor of serving their Country in this important Service, I am to require you to make choice of ----- Men out of the Volunteers of the ---- Regiment, with Officers and noncommissioned Officers in proportion to the following Regulations, to which you will pay the strictest Regard.

Each Company to consist of one Captain, one Lieutenant, one Ensign, two Sergeants, two Corporals, one Drummer, a Clerk and fifty private Men, with a Field Officer and an Adjutant to the Detachment, the supernumerary Officers that are willing to march

will be entitled only to provisions, and the pay of private men, if they choose to accept of that pay.

Every man to be allowed forty shillings for an encouragement to serve in this expedition and to be entitled to receive two shillings a day while in Service, the eight pence per day for provisions being stopped for the commissaries who have contracted to serve the troops with provisions; each Man will also have a pair of Leggings, a Cockade and a Haversack given him, which you are to furnish, and when delivered and a certificate thereof produced signed by the commanding Officer of the Regiment I will give you a Warrant on the Treasury for the amount as well as for the forty shillings per man you shall advance as Bounty Money.

The Ration of provisions to each man p. day is one pound of pickled pork and one pound of Wheat Flour or one pound and a half of fresh Beef instead of pork and one pound and a half of Corn Meal instead of Flour when ordered. Each company to be allowed a strong commodious Cart with two able Horses to carry the Baggage of the men to be provided by the Colonel of the Regiment or Captain of the Company and the owner to be allowed seven shillings and six pence p. day while employed in the service he finding his own Horse with corn. If a wagon is hired it must carry the Baggage of two Companies to be provided as above and fifteen shillings p. day to be allowed for it on the same conditions as for the Carts. The Wagoners will be allowed to draw their Rations of provisions as soldiers but to have no pay.

The men must be made sensible the better they are provided with Arms and necessaries the better condition they will be in to serve their King and Country. No Volunteer to be accepted but those who are hearty, spirited and can submit to a ready obedience to orders nor any soldier allowed to take his Horse as the whole will march on Foot, the officers to take as few Horses as possible.

It is not intended to move the Troops before the twentieth of next month before which time you shall be informed of the day you are to assemble your men, the time of march and the Road you are to take.

It is recommended as a Christian Duty incumbent on every planter that remains at home, to take care of and assist to the utmost of his abilities the Families of those men who go on this service that neither their Families nor plantations may suffer while they are employed on a service where the interest of the whole is concerned.

For the Expenditures ordered on this Expedition I shall give printed Warrants payable to the Bearers, these Warrants will become negotiable until the Treasury can pay them out of the contingent Fund in case there is not a sufficiency of money in the Treasury to answer the necessary Services of this Expedition.

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[FROM N. C. LETTER BOOK. S. P. G.]

Letter from Rev<sup>d</sup> M<sup>r</sup> Earl to the Secretary. (Extract.)

N<sup>o</sup> CAROLINA EDENTON,  
29<sup>th</sup> March 1771.

REVEREND SIR,

Since my letter to you of last Autumn, I have baptized in this parish, 49 Infants and 3 black adults, and baptized several Infants brought to me from Neighbouring parishes where they are destitute of Ministers, as sickness prevented my visiting them. I lately made a visit to Berkley Parish where I baptized 19 Infants and three adults, and intend shortly, if God spares me health, to visit them again. Our Church at Edenton is so much out of repair that neither minister nor congregation can stand the inclemency of the weather in it without greatly risking their health, but I am in great hopes it will be repaired before next Winter, as some of the Inhabitants offer to contribute for that purpose, and I have sanguine expectations that the vestry will make up the deficiency.

I am, Yours &c

DAN<sup>l</sup> EARL.

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[FROM ORANGE COUNTY COURT RECORDS.]

NORTH CAROLINA  
Hillsborough District } Ss — March Term 1771.

The persons who style themselves Regulators & under the conduct of Herman Husband, James Hunter, Rednap Howell, William Butler, Samuel Deviney, & others, broke up the Court at September Term last, still continuing their riotous meetings and severely threatening the Judges, Lawyers and other officers of the Court, prevented any of the Judges or Lawyers attending.

Therefore the Court continues adjourned till September Term next 1771.

COUNCIL JOURNALS.

We his Majesties most loyal subjects have heard of the formidable Commotions in our County which is like to be attended with great cost to the Province — And we humbly think that it is quite needless to disburse such large sums of money for so mean purposes as to reward men for destroying the tranquility of Government — after mature deliberation, it was the gen’ral resolve of our people that if your Excellency came up at the head of your army for every man to take his horse out of the Plow tho’ at a busy time of the year and wait on your Excellency to know for certain whether you

are really determined to suppress all the disturbers of the public peace and to punish according to their deserts the Original offenders in Government. If so we are willing and ready to assist you all in our power to suppress or remove any nuisance that may be an obstruction to good government— But if your Excellencys designs contrary to the public Interest of the Country are to force us to submit to that Tyranny which has so long been Premeditated by some Officers of the Province we will contend for our just rights and Humbly Intreat you Sir to return with your men where there may be more need of them—our civil liberties are certainly more dear to us than the good opinion of a ruler tho' both are desirable— We understand that the Hillsborough Campaign in the year 1768 Cost the Province near 8 thousand Pounds, and by a scrutinous examination of Mr Ashe's Book treasurer of the southern district it appears that we have overpaid, with the duties on liquors for the sinking tax upwards of 20 thousand pounds and we expect this spring's campaign will not be without Cost—there was but a few that contended for liberty and Property under the character of regulators at first but there has been a large addition since on both sides of the question. The unhappy dispute has now reached even to the head of government, and this enmity equal to that of the Jews and Samaritans we greatly fear is likely to be perpetual unless your excellency exerts the true Patriot and stretches out your hand supported by Heavenly Justice to heal the deep the deadly wounds that causes the general grone in our sinking Country but if your excellency disdains a Plan so seasonable we shall then think it time to secure our own Interests since the legislature of this Province has not made the Constitution of Great Britain Prescribed by charter their Precedent—they paid very little regard to that Bullwark of life the *habeas Corpus* when they enacted for a law the Court of Oyer to be held at Newberne for the tryal of riots, where the accused Persons must attend tho' living in the most remote parts of the Province—Notwithstanding the Judges are appointed to attend the Circuit at the expence of Government— We wait your Excellency's answer and subscribe ourselves

TRUE FRIENDS TO GOVERNMENT.

[B. P. R. O. AMERICA &amp; W. IND. N. C. VOL. 218.]

Letter from Governor Tryon to Messrs John Frohock and Alexander Martin.

NEWBERN the 5<sup>th</sup> April 1771.

I have received your Letter of the 18<sup>th</sup> of last month respecting your negotiation and agreement with the Insurgents.

If you have abused Your Public Trust it is Your Duty to give satisfaction and make restitution to the injured, As for my own part I entertain a just Abhorrence of the Conduct of that Man who is guilty of Extortion in the execution of his public Character. The mode however of Your Agreement with the insurgents, by including Officers who are amenable only for their public conduct to the Tribunal of their Country is unconstitutional, Dishonorable to government and introductive of a practice the most dangerous to the peace and happiness of society. On the 18<sup>th</sup> of last month it was determined by consent of his Majesty's Council to raise Forces to march into the settlements of the Insurgents in order to restore peace to the country upon honorable Terms and constitutional principles. This measure is not intended to impede nor has it the least Reference to the Agreement between you gentlemen and the Regulators tho' it is expected in the execution of it more stability will be added to our government, than by the issue of Convention ratified at Salisbury.

I am, gentlemen &c

W<sup>m</sup>. TRYON.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

PORT BATH IN N<sup>o</sup> CAROLINA.

Duties Received Between the 5<sup>th</sup> of January 1771 and the 5<sup>th</sup> of April Following Being the Quarter ending at Ladyday.

THE DATE.	MASTER'S NAMES.	VESSELS NAMES.	KIND OF SPIRITS.	WHAT DUTY.	NO. GN <sup>s</sup>	
Jan'y 24 <sup>th</sup>	Sam <sup>l</sup> Harding . . . .	Sloop Grampus . . . . .	Rum	£4	560	£ 9 6 0
" 25	Ja <sup>s</sup> Ghorham . . . .	Schooner Surry . . . . .	Do	Do	414	6 18 0
Feb'y 27 <sup>th</sup>	Eliphas Neston . . .	Ranger Sloop . . . . .	Do	Do	120	2 0 0
March 1 <sup>st</sup>	Benj Chapman . . .	Schooner Sally . . . . .	Do	Do	225	3 15 0
" 1 <sup>st</sup>	Ezra Stuart . . . . .	Schooner Noble Pitt . .	Do	Do	180	3 0 0
" 1 <sup>st</sup>	Jn <sup>o</sup> Manly . . . . .	Sloop Judy . . . . .	Do	Do	60	1 0 0
" 29 <sup>th</sup>	Thorndick Proctor	Schooner Young Sally	Do	Do	150	2 10 0
						£28 9 0
Commissions at 7 P. Ct . . . . .						1 19 10
						£26 9 10



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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

NEWBERN the 12<sup>th</sup> April 1771.

In my dispatch of the 31<sup>st</sup> of January N<sup>o</sup> 60, I informed your Lordship an attempt to rescue Herman Husband was expected; accordingly on the sixth of February I received intelligence by express that the insurgents were making preparations to come down to Newbern to release Husband and to lay the town in ashes, if opposed in their design, and that they were to begin their march from Sandy Creek (within their settlements) on the 11<sup>th</sup> of the same month. I immediately dispatched orders to several regiments of militia to hold themselves in readiness to march to the protection of Newbern. The Craven regiment was imbodyed and kept three days in town. The next day the 7<sup>th</sup> the court of Oyer & Terminer opened agreeable to commission issued the 22<sup>d</sup> January for the purpose of receiving indictments against, and hearing the tryals of the regulators. On this occasion I took the opinion of Mr Chief Justice Howard whether it would not be advisable to put Herman Husband on his tryal for the libel he published against Judge Moore no witness yet appearing concerning the riots at Hillsborough. That from the jealousy generally prevailing among the common people at his confinement I was apprehensive while Husband continued in gaol without being brought to tryal and the courts of law open; no vigorous support could be relied on from the militia, but when he was found guilty of the charge there would be better grounds to keep him in prison, until he had complied with the penalties of the law. The Chief Justice assured me it would be very proper that Husband should be forthwith brought to tryal, and that he would take care that he was so. Accordingly the Deputy Attorney General, the principal being sick and absent from me ever since the last session of Assembly, prepared an indictment for the libel and presented it Fryday the 8<sup>th</sup> of February to the Grand Jury, who not finding the Bill, and the Chief Justice not seeing cause to bind Husband over to his good behavior, he discharged him from his confinement the same evening.

Col<sup>o</sup> Caswell's letter bearing date the 20<sup>th</sup> of February inserted in the minutes of the Council Journal of the 23<sup>d</sup> of that month will

inform your Lordship of the sequel and consequences of Husband's release.

Not being satisfied with the temper and disposition of this grand jury displeased with the discharge of Husband, and further no evidence coming down from the back settlements to prosecute the insurgents agreeable to *subpœnas* sent to them, this Court was dismissed and a commission issued the first of March for a new Court of Oyer & Terminer to be held here the 11<sup>th</sup> of March. Finding the reason the evidence did not appear resulted from the intimidations of the insurgents who had threatened destruction to every man who should give evidence against them, I sent my secretary expressly up to Hillsborough with a letter requiring the attendance of the witnesses, and at the same time giving them assurance of protection by a body of forces. I also sent circular letters to the Sheriffs of the several counties within this district recommending to them on so important an occasion to make choice of gentlemen of the first rank, property and probity in their respective counties. These measures had their desired effect, Mr Edwards by his great diligence and activity brought down fifteen witnesses from Hillsborough under the confidence of the protection of government. The Grand Jury was formed of the most respectable persons. The Court was opened. The Deputy Attorney General and Mr Gordon, whom I employed as assistant Counsel for the Crown, drew out and accepted sixty one indictments, every one of which were found without a dissenting voice. The Grand Jury to the number of twenty three, after the business of the Court was over, waited upon me by appointment at the palace, when I made them an offer of going in person to suppress the insurgents if they thought the inhabitants of the Province in general, and the Counties in particular in which they resided, were hearty and willing to stand up in the cause of government, to compel the insurgents to obedience to the laws, to resent the insults offered to his Majesty's crown and dignity and the outrages already committed, and still threatened against the constitution. They unanimously and thankfully accepted my proposal, promised me their interest and influence, and instantly assigned the association, which with their presentment I herewith transmit: Printed copies of these have been circulated through the Province.

In confidence my Lord of such support and seeing a few days before in the Wilmington Gazette an association of similar purport and intent entered by the gentlemen on Cape Fear River, the next

day, the 18<sup>th</sup>, I summoned his Majesty's Council, related to them some reasons that prompted me to offer my service and took their advice on the expediency of raising forces to restore peace and stability to government. They approving the measure I lost no time in sending requisitions to almost every county in the province for certain quotas of men, in appointing the time and place of their rendezvous respectively, and ordering the necessary preparations to be made for service. I have wrote to General Gage to request he would send me two field pieces to cover the passage of the forces across the broad rivers on which it is expected the insurgents will make their stand.

To forward this business I went myself last week to Wilmington, when I appointed Mr Waddell General of all the forces raised or to be raised against the insurgents, and expect he will get seven hundred men from the western counties to serve under his immediate command, who will march them into the settlements of the insurgents by the way of Salisbury, while I bring up the forces from the southern and eastern parts and break into their settlements on the east side of Orange county.

In my excursion to Wilmington I had the satisfaction to find the gentlemen and inhabitants of Cape Fear unanimous and spirited in the cause, and the officers successful in recruiting.

On the Minutes of the Council Journal your Lordship may see an intercepted letter of Rednap Howell, a leader in the councils of the regulators; it gives the fullest proof of the wicked designs of those people. The judges' apology for their not attending their duty at last Hillsborough court also stands on the minutes of the Council. The conduct and proceedings of the insurgents on the sixth of March last in and near Salisbury will be best understood by the letter of Col<sup>o</sup> Frohock and Col<sup>o</sup> Martin to me and the deposition of Mr Avery, both which with my answer to the above letter accompanies this dispatch, as well as the general orders sent to the commanding officers of regiments. The forces in this neighbourhood I expect will march the 23<sup>d</sup> instant, and join other divisions as they move up the country.

I have communicated to Governor Bull and Mr President Nelson my plan of operation, that they may prevent the insurgents from taking shelter in the provinces of Virginia and South Carolina should they retreat to those governments.

A principle of duty my Lord has embarked me at this time in this service. The country seems willing to seize the opportunity and I cheerfully offer my zealous services, relying that the motive of this conduct will be favorably accepted by my most gracious Sovereign.

[B. P. R. O. AM. & W. I. N. C. 218.]

Association.

NORTH CAROLINA.

We his Majesty's Dutiful and Loyal Subjects, whose Names are hereunto annexed, having received certain Information that the many salutary Laws passed in the last session of Assembly for redressing every Public Grievance hitherto complained of have not the desired effect, and that there still remains a great number of infatuated People who call themselves Regulators and who in open defiance of the Laws of this country do frequently assemble themselves together in a riotous Manner and avowedly profess this Disobedience and Opposition to those Laws,

Do therefore engage and associate ourselves together in support of the civil government of this Province by law established and do promise that on our parts We will to the utmost of our power preserve and restore the Public Peace and Tranquility of every part of the Province and enforce a due execution of the Laws thereof and take every just and proper measure for suppressing those Tumults and Insurrections that have for some time past so greatly disturbed the peace of Society and distracted the course of Justice.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

## COUNCIL JOURNALS.

At a Council held in the Council Chamber in the Palace at New Bern 17<sup>th</sup> April 1771.

Present

His Excellency the Governor

The Honble { James Hasell                      and                      } Esquires.  
                { Lewis DeRosset         Robert Palmer }

His Excellency laid before the Board a letter from Captain Hayward inclosing a copy of his Orders from Comodore Gambier for

the raising of Seamen and able bodied Landmen and requesting His Excellency's Countenance and assistance for that purpose.

It was the opinion of the Board that a Proclamation issue in the Words—

NORTH CAROLINA — SS.

By His Excellency William Tryon, Esq., &c.

A Proclamation.

Whereas, application hath been made unto me by Captain Thomas Hayward of His Majesty's Sloop *Martin* for Countenance and Assistance in raising Seamen and able bodied Landmen for His Majesty's service at the critical Juncture,

I have therefore thought fit by and with the advice and consent of His Majesty's Council to issue this my Proclamation strictly commanding and requiring all Magistrates and other civil Officers within this Province to be aiding and assisting to the said Captain Hayward in the raising of Seamen and able bodied Landmen for his Majesty's Service.

Given under my hand and the Great Seal of State &c. at New Bern the 17<sup>th</sup> April 1771.

W<sup>m</sup>. TRYON.

By His Excellency's Command,

W<sup>m</sup> PALMER, D. Sec.

God save the King.

At a Council held at the Council Chamber at the Palace in New Bern 19<sup>th</sup> April 1771.

Present

His Excellency the Governor

The Honble { James Hasell      Robert Palmer & } Esquires  
                  { Lewis DeRosset     Samuel Cornell }

His Excellency mentioned to this Board that as there was no urgent business for the meeting of the Assembly as it stood prorogued to the 10<sup>th</sup> of May next and as it would besides interfere with the present expedition against the Insurgents desired the opinion of the Board to what farther time the Assembly should be prorogued — It is their opinion that the Assembly be prorogued until the Fall Season.

Ordered a Proclamation issue in the following words, Viz<sup>t</sup>,

NORTH CAROLINA — Ss.

By His Excellency William Tryon Esquire, &c.

A Proclamation.

Whereas the General Assembly is appointed to meet at New Bern the 10<sup>th</sup> day of May next and as it is found expedient to prorogue the same,

I do therefore by and with the advice and consent of His Majesty's Council issue this my Proclamation, hereby proroguing the said Assembly until the 10<sup>th</sup> day of October next then to meet at New Bern for the dispatch of Publick Business.

Given under my hand and the Great Seal at New Bern the 19<sup>th</sup> day of April 1771.

(Signed)

W<sup>m</sup>. TRYON.

By His Excellency's Command.

W<sup>m</sup>. PALMER, D. Sec.

God save the King.

His Excellency was pleased to lay before the Board a letter from Sir Nathaniel Duckenfield dated the 14<sup>th</sup> March last claiming Precedency of His Majesty's Council together with His Excellency's answer thereto of the 25<sup>th</sup> of the same month together with Rules of Precedency obtained from Joseph Edmundson Esq *Mowbray Herald* for their consideration.

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[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF STATE.]

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Rev<sup>d</sup> M<sup>r</sup> Cupples to the Secretary.

ST. JOHNS PARISH BUTE COUNTY 25<sup>th</sup> April 1771.

REVEREND SIR,

In my last years letter I returned you and the Society my humble and sincere thanks for your ready acceptance of my Bill in the year 1768, and did not intend to present any more, but am obliged to send again, by the advice of some Gentlemen who have seen my name under the Annual Salaries, they well knowing that I shall not be able to support myself without your kind relief; and the reason is, the disturbances of our country has made it impossible for the collectors to get either public, parish, or County Taxes, to discharge the several creditors.

It begun betwixt two and three years ago, but they have carried it now to such a height that they have obstructed our Courts of Justice, threatened the Capital, destroyed several Gentlemens buildings, whip every Officer who calls upon them for taxes, or if they seize their goods without interruption, they can't sell them for want of Buyers which is the case of our county. The Legislature has made an Act against their proceedings, and to prevent such insurrections for the future. There are sixty one Bills of Indictment found against the Leaders; but the Insurgents will not deliver them up, our worthy Governor willing to restore peace and stability to the Province, is going according to the Act of Assembly to march against them with what forces he can raise, but whatever the lower counties adjacent to the capital may do, I know not, but the counties around us will not get any—The Col. of this county was by his instructions only to raise Fifty men exclusive of officers, yet he told me, when he called a general muster that though there were betwixt eight or nine hundred men under arms, there was not any would list, but broke their ranks without leave of their commanders, and proclaimed themselves for the Regulators as they are generally called. Now it is, Reverend Sir, on the account of these Disturbances and the scarcity of money that makes me apply to the Society in a humble manner praying for relief, otherwise I can not long be able to support my family. I ask it not as a debt but have drawn of the Treasurer for three years Salary, which, if it should ever be in my power which I hope it will, if our country were once settled I should restore again, but if my Bills are protested, there will be an end to my doing any good amongst these people, our Trade is demolished, merchants are unable to support their credit and yet while they had goods they have been afraid of refusing trust but are unwilling to send for any more not being capable of making proper remittances. I therefore humbly beg your interest with the Society to answer the Bill which I have directed to the Treasurer. The people of this county have a religious turn of mind attend duly on religious worship, but if in my discourses to them, I mention that a true christian ought to live in a due subordination and in supporting the Government they will return that they love the Government will stand up for it with all their lives and properties, but that the Sheriffs, Clerks of Courts, and Registers have been Exactors, and unless they make up to them the money which they say, they have unjustly taken they will pay

no more taxes for anything. I have baptized from January 1<sup>st</sup> 1770, 448 children, 65 of which were blacks. I administered the sacrament at each of the five places three times a year to about 70 communicants, the first Sunday after Easter we had 200. I preach at some corner of the parish where people being at such a distance from any of the appointed places, cannot conveniently attend; at one of these corners in the midst of the Anabaptists, I one day baptized 20 children, some of whose parents had been carried away with these people, but have returned under a thorough conviction of their Error. As it has been chiefly owing to you, Reverend Sir, that I am indebted for everything which has enabled me to appear in the character I am in; so, if ever I have been any way instrumental in gaining Souls to the Lord, they and I have abundant reason to be thankful to God; and pray earnestly for your long continuance in the church and that you and every member of the Society may be blessed with all spiritual and temporal blessings and that all your Endeavours for propagating religion may be made real blessings every where and especially to this poor distracted Colony & after each of you have been enabled long to serve God faithfully upon Earth May you then in heaven have many to be your crowns of rejoicing in our presence of the Lord. This, Reverend Sir, is the sincere and earnest prayer of him, who is with great humility and respect,

Your most obedient &c.

CHA<sup>s</sup> CUPPLES.

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[B. P. R. O. AMERICA & W. INDIES. VOL. 295.]

John Stewart Superintendent &c to Earl of Hillsborough. (Extract.)

CHARLES TOWN 27<sup>th</sup> April 1771.

MY LORD,

\* \* \* \* \*

The want of Regulation among the Indian Traders has given rise to many disorders in the different Nations. The Indians particularly the Cherokees have been permitted to contract great Debts. At their Return from hunting the Traders to whom they are indebted seize their skins and leave them destitute of any supply but what they may chuse to trust them with, under such circumstances they have been for some years past extremely uneasy and have lately



proposed to give up a considerable Tract of Country as satisfaction for their Debts but the Land which they have proposed to give up on this account is claimed by the Creeks. The Traders greedily grasped at the offers and went so far as to draw up an Instrument of Cession which they got signed by the principal Chiefs and in consideration gave the Indians all the goods they were possessed of in the Nation. This irregular and very wrong step was taken without giving me the least intimation and they have not as yet so far as I can learn digested any plan which may induce the assent of Government and point out how such a Cession to the Crown on their behalf can be made to answer the purposes of satisfying the respective Traders for the Debts due by the Indians.

\* \* \* \* \*

JOHN STUART.

[B. P. R. O. SOUTH CAROLINA. B. T. NOS. 22, 23 AND 29. O. 32. P. 3 AND 443.]

## BOUNDARY LINE BETWEEN NORTH AND SOUTH CAROLINA.

AT THE COUNCIL CHAMBER  
WHITEHALL the 21<sup>st</sup> December 1769.

By the Right Honourable the Lords of the Committee of Council  
for Plantation Affairs.

His Majesty having been pleased by his Order in Council of the 4<sup>th</sup> of August last, to refer unto this Committee several Papers transmitted by the Governors of the Provinces of South and North Carolina to the Right Honourable the Earl of Hillsborough, one of His Majesty's principal Secretaries of State, relative to a Boundary Line proposed to be run between the two Provinces, The Lords of the Committee this day took the same into Consideration and are hereby pleased to refer the said Papers (Copies whereof are hereunto annexed) to the Lords Commissioners for Trade and Plantations to consider the same and report their opinion thereupon to this Committee.

PHIL. SHARPE.

Copy of a Letter from Lord Charles Greville Montagu to the Earl of Hillsborough, Dated Charles Town 19<sup>th</sup> April 1769.

MY LORD,

The Boundary Line between this Province and North Carolina

not being settled creates great Disorder and confusion upon the Borders of each Province, and Governor Tryon having informed me that he had applied to your Lordship for a Line to be run in a part of the Country that appeared to me would be a great Injury to this Province; I referred this matter to the consideration of the Gentlemen of the Council, whose committee drew up a Report upon it, which I transmit to you for your consideration, together with a survey taken upon the occasion.

I am etc  
CHAS. G. MONTAGU.

The Committee to whom it was referred to prepare and report such reasons as may be proper to be urged on behalf of this Province against the Boundary Line between this Province and North Carolina being continued as proposed by Governor Tryon in a letter to his Excellency Lord Charles Montagu dated the 11<sup>th</sup> day of December last and also to delineate such a line as would be reasonable and equitable between both Provinces,

#### REPORT.

In order to proceed in the most deliberate manner in the examination of the important matter referred to their consideration they beg leave to state and hope to answer the objections made by Governor Tryon against making a branch of the Catawba River the Line of Jurisdiction between North and South Carolina and then to offer some arguments from the principles of policy in general and others founded on Equity arising from the particular circumstances and conduct of this Province in support thereof.

Governor Tryon represents the making a branch of the Catawba River the Boundary as injurious to North Carolina "first by shutting out all its communication of commerce with the Western Indians having only impassible mountains as was experienced when the Western Frontier was run last year as the Boundary between the Indians and North Carolina."

Secondly, as the whole of the Western Frontier Line ran at the Expence of £2,000 would fall into South Carolina.

Thirdly for that by an act of the last Session of Assembly all that Tract of Land to the Westward of the Catawba River and to the South of Rowan County is formed into a County by the name of

Tryon County an inferior Court established and provision ordered for erecting a Court House Jails &c: Add to this commissions issued for Justices of the Peace and Militia Officers and that the plan his Lordship transmitted with his letter is prodigiously erroneous with respect to the South Branch of the Catawba River as its direction is not more by Mr Churtons Map and every other creditable information than two or three points to Westward of North; its branches run far into Rowan County and is cut off from the Cherokee Mountains by the meanders of the Catawba River and the head branches of the Broad River, and that his Excellency Governor Tryon proposed a Line to be continued due west course from the point where the line run in 1764 left off.

To the first of these three objections the Committee answer that the line of partition cannot preclude the people of North Carolina from passing with Goods to traffick with the Indians wherever they may think proper to begin that Trade. The people of South Carolina in their very large trade with the Creeks, Chickesaws and Choc-taws have constantly and freely passed through the Province of Georgia for these 38 years which liberty has lately been further secured to them by his Majesty's Royal proclamation in 1763 relating to the freedom of Trade with all Indians.

To the second objection it is answered that great part of the expence therein mentioned was occasioned by the jealousy of the then Governor of North Carolina lest the line between the Province of South Carolina and the Cherokees in 1765 should be carried into the Province of North Carolina and the Lieutenant Governor of South Carolina from a respectful attention which he was willing to shew to Governor Dobbs' remonstrance on the matter ordered the Commissioners employed on that service not to proceed in running the Cherokee Line beyond Reedy River, a natural Boundary that was far within the undoubted jurisdiction of South Carolina, rather than give umbrage to a neighbouring Governor or the least pretext to complain of any trespass or incroachment even tho' the jurisdiction of the Lands lying to the Westward of the Catawba River near which the line of 1764 ended were not settled by any Royal Instruction.

The Committee take leave to annex a copy of the paragraph of the Lieutenant Governor's Letter to the Lords of Trade on this matter Dated March 15<sup>th</sup> 1765.

The third objection founded on an Act of Assembly of North Carolina lately passed and other Acts in consequence thereof it is conceived can have but little weight to the prejudice of South Carolina as this Province being sensible that the actual ascertaining the bounds of Jurisdiction of his Majestys Provinces was solely an exercise of Royal Prerogative accordingly forbore any attempts towards it without the Royal command notwithstanding the Trespasses committed by several of the North Carolina Deputy Surveyors against whose proceedings complaints were made by our back settlers to the Governor and Council of South Carolina for coming very far beyond even the pretended continuation of the West Line of 1764 besides many other inconveniences sustained in Civil as well as Criminal matters and as to any inconveniency mentioned by Governor Tryon to arise from the course of the South Branch of the Catawba River supposed to be erroneously laid down the weight of such objection we conceive may be better judged of by a view of the Map of the Course of the South and of the North Branch of that River surveyed by your Lordship's direction, expressly to clear up this matter and we further observe on the view thereof that as the North Branch inclosing the head of the Broad River by its Eastern Course from its source in the mountains appears to us to be the most proper Boundary as thereby the necessity of running any line will be prevented but if the South Branch is adopted there is a small space of Ground from its source where the latitude  $35^{\circ} 37'$  was taken to the Cherokee Boundary thro' which it will be necessary to mark the Line.

The Committee now beg leave to offer a few reasons why it will be improper to make the Continuation in a due west Course of the line of 1764 to be the line of Jurisdiction.

By repeated observation of Latitude made by Mr Cook employed by this Province to make a general survey and map at the expence of near £3,000 sterling it appears that the line run in 1764 which ends at the Salisbury Road near the Catawba River is eleven Miles South of what his Majesty intended by some mistake in the observation of Latitude taken by the Commissioners in 1764 by which error this Province looses about 660 square miles or 422,000 acres of Land equal to one of the smaller Counties in England and as the length of the line proposed by Governor Tryon to be continued due West through the woods is greater than the West line already run in 1764 and intended by the King's Instruction to be run in the latitude

35° but was erroneously run in 34° 49' there will be a loss to this Province of near 600,000 Acres of Land more by the continued west line both together containing more land than two not the least Counties in England.

If the line is to be marked thro' the Woods the lands of many private people will be cut in two, part will lye in one province and the house in another which will be very inconvenient in payment of Taxes and Quit Rents in levying Executions upon Lands and many other matters which will be avoided by a natural Boundary.

If the line of 1764 is continued due West which is now found to be eleven miles South of the 35° of a North Latitude it will run several miles South of Fort Prince George and lately thoroughly repaired at a great expence to this Province which Fort has been and may be of great use to this Province as a place of Arms in case of a Cherokee War and Savannah River to the South Boundary of Carolina running a N. N. West course, this continued West Line will contract the Western parts of this Province to a small compass reducing the shape of this Province almost to a Triangle, And thereby this Province will have but a small proportion of these rich lands which are the most suitable for the raising of Hemp which has by the Bounties given by this Province been so happily introduced in the North West back settlements.

The Committee now proceed to adduce some reasons for including in South Carolina the Lands lying West of the natural Boundary of the Catawba River founded on the principles of general policy.

The staple commodities of South Carolina being Rice, Indico and Naval Stores and lately hemp not rivelling or interfering with the produce of Great Britain but being very advantageous to the trade thereof it is humbly hoped whatever may tend to secure and promote the rising such beneficial Staples must merit the Royal attention. These kinds of produce cannot be raised and extended but by the labour of Slaves supplied by the African Trade, is also very beneficial to Great Britain but the number of such labourers, their condition of Slavery being apt to raise in them Ideas of an interest opposite to their master becomes dangerous to the public safety where the number of White Men is over balanced by a superior number of Negroes wherefore it has been the policy of South Carolina at Great Charge to give encouragement to the importation of Europeans as a Counterpoise thereto, this measure tho' very constantly pursued has not been adequate to the growing evil which is

the natural consequence of the growing prosperity of the Province. It is therefore very expedient to include in this Province all those settlers who live on Rivers whose streams arise to the Westward of the line of 1764, down which the hemp, Flour and Lumber begin to be brought to Market at Charles Town at a less expensive carriage than the present general means of waggons. Bounties are given by South Carolina to Hemp raised in this Province and many living North of where the West Line proposed by Governor Tryon have received our Bounties accordingly and it is but Justice to mention the readiness which many of the back settlers expressed to have marched down to assist in suppressing the general Insurrection of our Negroes which was apprehended in 1766 and here let it be remembered that North Carolina is secure from this danger of Negroes the white men are vastly superior to the number of Slaves in that Province.

It may be further observed that the opening an easy way down those Rivers to a market where South Carolina produce may be bartered for European Goods is the most likely way to prevent establishing manufactures in those Inland parts of home materials for home consumption.

We humbly conceive that there are also many reasons why this Province should be strengthened by allotting this Body of Lands now pretty well settled with White Men to South Carolina because during the Cherokee War in 1760 & 1761 many of the Inhabitants near those parts at the first consternation and ravages of the Indian Incursions fled into the Northern Provinces but several who ventured to defend themselves in stockaded Forts were enabled to maintain their posts by the assistance of the arms Ammunitions Provisions and cloathing received from this Province which the Journals of the Assembly making provision for the Expence thereof abundantly prove and it is more than probable that a derelict County would not have been so soon or so well repeopled if these Forts had not been thus supported. These Forts were also covered by very large patrols of horse rangers in the pay of this Province traversing the Country from the Catawba to the Savannah River.

As the Settlers imported at the Expence of this Province are not now confined to Townships but are allowed to chose Lands where they are most suitable to their minds may have settled up the Broad River whose upper Branches will be cut off from this Province by this continuation of the Line of 1764 in a west course and several

Settlers imported at the expence of this Province thrown into North Carolina.

It would be convenient and reasonable that the Catawba Indians should be comprehended in the proposed Boundary as a very useful Body of Men to keep our numerous Negroes in some awe. The year 1766 afforded a very strong proof of their utility on such services for about the Christmas of 1765, many negroes having fled into large swamps and other circumstances concurring there was great room to apprehend that some dangerous Conspiracy and Insurrection was intended and though the Militia was ordered on duty and were very alert on this occasion the Governor thought it proper also to invite a number of the Catawba Indians to come down and hunt the negroes in their different recesses almost impervious to White Men at that season of the year. The Indians immediately came and partly by the Terror of their name and diligence and singular sagacity in pursuing enemies thro' such Thickets soon dispersed the runaway negroes apprehended several and most of the rest of them chose to surrender themselves to their Masters and return to their duty rather than expose themselves to the attacks of an enemy so dreaded and so difficult to be resisted or evaded for which good service the Indians were amply rewarded. It is not improper to mention that this province hath acquired a powerful Influence over this Tribe of Indians now our Inmates by a long train of acts of Friendship protection and liberality. Their complaints when injured by any White men have been attended to and redressed by the Governor and in 1760 they consented to contract their claim of Lands where their numerous ancestors had long resided to a spot of 15 miles square on condition that this province would be at the expence of building a stockaded Fort (which was immediately complied with) to secure their women and children while their men accompanied the Kings troops and the troops in the two Cherokee Expeditions during which their men were in the pay of and their Women and children were fed and cloathed by this Province for proof of which we refer to the Journals of the Council and Assembly.

The Committee having thus as they hope impartially stated and maturely considered the matters referred to them upon the whole humbly are of opinion and propose that the limits of Jurisdiction between the provinces of North and South Carolina run in 1764, ending at the Salisbury Road near the Catawba River should be

continued Northerly along the said Lands to the Catawba Lands and then Easterly Northerly and Westerly around and along the line bounding the Catawba Lands surveyed in 1763 till it intersects the Catawba River and then to proceed along the North or main Branch of the Catawba River to its source in the Cherokee Mountains.

Extract of a Letter from Lieutenant Governor Bull to the Right Honorable the Lords Commissioners for Trade Dated March 15<sup>th</sup> 1765.

I have acquainted the Cherokees that according to their desire I shall send next time a Commiss<sup>r</sup> to meet them and make out the Boundary with North Carolina If not ascertained so far West I must stop a few miles to the North of the Road from ninety six to Fort prince George. Governor Dobbs of North Carolina has already expressed a jealousy that in running this Boundary I shall perhaps give up some Lands in his Province which he can by no means consent to but I have acquainted him that I had no intention of going beyond the reputed Boundary of my own province tho' I hear the people of North Carolina are making quick advances to the foot of the Cherokee Mountains which is the chief hunting ground for the Lower Cherokees.

NORTH CAROLINA BRUNSWICK 12<sup>th</sup> Dec<sup>r</sup> 1768.

MY LORD,

The inclosures are on the subject of a divisional Line proposed by Lord Charles Montagu to be run between the two Carolinas. The sketch inclosed is a true copy of one transmitted to me by his Lordship. How very erroneous the south branch of Catawba River is there laid down will evidently appear by M<sup>r</sup> Churtons Map. I shall now trouble your Lordship with only a few observations which may I hope together with the reasons I have stated in my Letter to Lord Charles Montagu be sufficient to incline his Majesty to prefer the line I have requested might be extended to compleat the Boundaries between those two Governments.

1<sup>st</sup>. Should the South Branch be made the Boundary it would join South Carolina to Earl Granville's district and take part of his Lordship's Lands into the South Government, and even then would leave one part of the country as open to both Governments as it remains at present Since the head springs of the said Branch are 40 or 50 miles to the Eastward of the Cherokee Mountains, The South Gov-



ernment by such a Boundary would take from this Province independent of what it would rob of Earl Granville's district a tract of Country now Tryon County of 45 miles in breadth due North and South and 30 miles due East and West, it having been found to be that distance from Catawba River to the Western frontier line which was run last year between the Cherokee hunting grounds and this Province.

2<sup>dly</sup> The Catawba Tract of 15 miles square can be no vast object to either Government as the Catawba Indians are not likely to stay on those Lands ten years longer The White people continuing to settle fast quite round them and the Deer and every other species of Game being already very scarce.

3<sup>dly</sup> I am confident ninety in a hundred of the Inhabitants to the Westward of Catawba River would be very unhappy to be thrown out of this Government they being not only well satisfied with the Establishment of judicial Courts in this Province but actually in possession of many hundred thousand acres of Land which have been granted out of the Land office here as will appear by the returns of the patents granted in Mecklenburg County for these several years past particularly during my administration. This will evidently appear if your Lordship will give yourself the trouble to examine the Location of the returns of the patents I have transmitted to your office with the maps carried home by Captain Collet. They are to be found under the Title of Mecklenburg County. Lastly as my petition is only for a Temporary Line the final boundary may at any time hereafter be made at his Majesty's Pleasure when the country is better settled or when it may be found expedient to form interior Governments in the Colonies, I therefore humbly hope his Majesty will give orders for the line to run from where it stopped in 1764, a west course till it intersects the Western Frontier Line of this Province. The Western part of this Country will then lie between two parallel lines the one the frontier between us and Virginia the other the Boundary between the Carolinas The distance between these parallel Lines is one degree and an half that is from 35° 0' 36° 30' North Latitude.

These considerations are humbly submitted to his Majesty by my  
Lord &c.

W<sup>m</sup> TRYON.

Extract from a Letter of Lord Charles Greville Montagu to His Excellency Governor Tryon dated Charles Town Nov<sup>r</sup> 29<sup>th</sup> 1768.

The Occasion of my troubling you with this Letter is concerning the Boundary Line between our two provinces, the settling of which is so essentially necessary to both. As you communicated to me the temporary line you proposed applying for to be run I beg leave in return to send you the account of one I propose which if you should concur in with me your signifying the same by letter to Lord Hillsborough or authorizing me to do it will much facilitate and expedite the settling it. I send you a few reasons at the same time for running it in the way that I have described and for your better understanding me, a sketch of it upon paper.

The line to go from where the due West of 1764 intersects the Salisbury Road along the Road till it intersects the South Bounds of the Catawba Lands and then round the Eastern Bounds of the Catawba Lands till it intersects the Catawba River and then proceed up the River to that Branch which is called the South Branch and along that to its source in the Cherokee Mountains. Reasons for it, 1<sup>st</sup> The Catawbas have often expressed their desire to be within this Province which built a Fort for them and fed and clothed them and their Families during the Cherokee War. 2<sup>ndly</sup> The course of the South Branch is said to be nearly east from the Mountain and being a natural boundary will save the expence of surveying, and besides the settlers between the South Branch and the West Line were all defended by our Rangers and fed and clothed by this Province during the Cherokee War.

I should be very desirous we might agree upon this plan and I shall be always willing to concur with you in every measure that may be for the mutual interest of the two provinces.

BRUNSWICK 11<sup>th</sup> Dec<sup>r</sup> 1768.

MY LORD,

I was honor'd with your Lordship's letter at Newbern the 6<sup>th</sup> instant by express relative to the extension of a Boundary line between the two Carolinas. The line your Lordship proposes and to which you desire my concurrence if carried into Execution would be highly injurious to this Colony. First by shutting out all its communication of Commerce with the Western Indians leaving only impassable mountains as was experienced when the Western frontier line was run last year as the Barrier between the Indians

and North Carolina. Secondly the whole of the Western line run at the expence of £2,000 would fall into your Government. Thirdly by an Act of the last Session of Assembly all that Tract of Land to the Westward of Catawba River and to the Southward of Rowan County is formed into a County by the name of Tryon County an Inferior Court established and provision ordered for erecting a Court house, Gaol &c: add to this commissions issued for Justices of Peace and Militia Officers and lastly I must beg leave to inform your Lordship that the plan you transmitted with your letter is prodigiously erroneous with respect to the course of the South Branch of Catawba River. It's real direction is not more by M<sup>r</sup> Churton's map and every other credible Information than two or three points to the Westward of North and its branches run far into Rowan County and is cut off from the Cherokee Mountains by the meanders of Catawba River and the head branches of Broad River. For these and other substantial reasons tho' my inclination prompts me to comply with your Lordship's request the duty I owe to this Province forbids my concurrence. Besides I cannot think myself at Liberty to vary my solicitations carried home by M<sup>r</sup> Collet that the boundary between these two Governments may be executed as Transcribed to your Lordship from where it terminated in 1764 a due west course till it intersected at right angles the line extended between the western frontier of this Province and the Cherokee hunting grounds and to which I was happy enough in understanding your Lordship that you believed there could be no objection to its continuance.

I thank your Lordship for appointing two Justices so much wanted near the Boundary House.

The moderation of the Assembly of this Province enabled me to go through a good deal of business and to ratify twenty one Acts; They now stand prorogued to the first of June next.

Captain Collet sailed two days before my arrival here.

I am &c:

W<sup>m</sup>. TRYON.

TO THE RIGHT HONBLE THE LORDS COMMISSIONERS FOR TRADE AND PLANTATIONS.

The Memorial of the Agent for His Majesty's Province of South Carolina,

Sheweth,

That His Majesty having by an Instruction to the Governors of South and North Carolina in the year one thousand seven hundred

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and sixty three signified his Pleasure that a temporary Boundary Line should be run between those Provinces limiting its extent at the Catawba Lands a Line has been run, altho' in point of latitude erroneous. South Carolina Settlements being now very numerous and extended very far to the westward of those Lands it is become highly necessary and expedient that a certain known line of jurisdiction should be ascertained; which having been under the consideration of both colonies, a difference in Opinion renders an appeal to his Majesty's Royal Will and Pleasure necessary not only to declare but to adjust its Extent. The strong and political Reasons as well as the equitable Pretensions which the Government of South Carolina has to offer in behalf of an Extent of Northern Boundary have been with great weight set forth in a Report by his Majesty's Council for this Province to their Governor and is now before your Lordships, but upon a matter of such great moment and concern to his constituents your Memorialist hopes to be excused in thinking it his Duty further to submit to your Lordship such remarks and observations as have occurred to him upon the subject, he must therefore beg leave to recall your Lordship's attention to the ancient and natural boundary and to certain occurrences since whereby to render the present or any interposition of His Majesty necessary to be solicited in order to the Ascertainment of a Boundary line *at all* between these Provinces, and which will at the same time strongly mark the just pretensions of South Carolina to the line of jurisdiction they humbly petition His Majesty to establish by His royal Order: Cape Fear river dividing the Provinces of South and North Carolina nearly in a Northwest direction bounding North Carolina to the Southwest and South Carolina to the North East is well known to have been the ancient boundary, by that river the authority of Government and Exercise of Jurisdiction were respectively limited in each of these Provinces, the jurisdiction of the judges used by their commission to be so far extended. The Expences of Government annually increasing became so heavy a burthen at a time that the inhabitants of South Carolina who were as yet but few in number and their settlements Northward extended little farther than Santee river, that in order to avoid payment of Taxes and to be in a situation on account of its distance beyond the reach of Process, sundry persons with their families removed up to the South banks of Cape Fear River, The Settlements of these people called the Brunswick Settle-

ments encreasing, it became necessary that they should be under the actual authority of Government, and they themselves being solicitous to be included within the Government of North Carolina, His late Majesty in one thousand seven hundred and thirty was pleased to direct another boundary for the two Provinces, yet carrying in view the antient and natural one of Cape Fear River, and was graciously pleased to be so attentive to the jurisdiction of South Carolina, that (the necessity of the case requiring the People of Brunswick, become numerous, should be under practical as well as legal Government) the royal Will was so particularly adapted to the local circumstances of this settlement, that in annexing it to North Carolina the Instruction took care that the Province of South Carolina should not be limited in its antient boundary to more than thirty miles at most Southerly distance from the whole course of Cape Fear River from the Sea upwards to its main source or head, and from thence due west as far as the South Seas, but if Wagaman river should be within thirty miles, then that river to be the boundary &c."

The Commissioners authorized by each Province in the year one thousand seven hundred and thirty five run a boundary line as far west as seventy or eighty miles from the sea, but His Majesty not having directed any degree of latitude to be taken, only a line parallel to Cape Fear river, the Commissioners differed in opinion upon the construction of the King's instruction and proceeded no farther, and indeed no line was run in exact conformity to that Instruction; since when Pretences of uncertainty of jurisdiction urged under sanction of his late Majesty's interposition in one thousand seven hundred and thirty have been set up in excuse for non payment of quit rents to the Crown or of Taxes to the Province; representations of which and of the mischiefs and confusion subsisting for want of a certain known line of jurisdiction having been transmitted to England, whereby His present Majesty taken under consideration, who in one thousand seven hundred and sixty three was pleased to order an instruction for a temporary line, therein directing "that the line in part set out by the Commissions in one thousand seven hundred and thirty five which if not marked so far North as to the thirty fifth degree to be continued in the same direction to the said thirty fifth degree and from thence due west to the Eastern limits of the lands claimed by the Catawba Indians &c" in one thousand seven hundred and sixty four the

Commissioners appointed proceeded, but by some mistake in the observation of latitude the Commissioners stopped short of the thirty-fifth degree, viz; at 34, 49" eleven miles south of the thirty fifth degree and a loss to South Carolina of near six hundred and sixty square miles, and from this point they ran the line due west to the Salisbury Road near Catawba River. To the detriment to the Province from this Error His Majesty's Subjects in South Carolina are inclined to submit, tho' they conceive in point of equity they have a claim to have the error rectified for a line to be run agreeable to the Instructions, but they trust if waving that right hitherto least any inconveniences might arise to His Majesty's Government from a renewed state of uncertainty of Jurisdiction in those parts, it will have its proper weight with His Majesty, instead of being made the occasion of a much heavier loss, which a line continued due west from the Point at Salisbury Road near Catawba River as applied for on the part of North Carolina would certainly prove, the Province in such case would lose in the whole more land out of their Jurisdiction (and land of the greatest importance from the nature of the soil, situation and other material considerations) than any two of the middling counties in England. The reasons for such a line on the part of North Carolina it is presumed are substantially answered by His Majesty's Council of South Carolina in the Report above alluded to, but it may not be improper to observe farther upon the Proposition stated as a reason for such a Line "because by an Act passed last Session in North Carolina. All that Tract of land to the Westward of the Catawba River is formed into a County by the name of Tryon County with Provisions for Courts &c. within that County" that therefore this line should be continued. The Council have in their report very properly observed the reasons why South Carolina forbore any attempts of Jurisdiction in those parts, dutifully waiting the Royal Pleasure to be first signified to both Colonies, conceiving the actual ascertaining of the bounds of Jurisdiction to be solely an exercise of Royal Prerogative, while North Carolina is urging a Trespass upon that Prerogative as a Title with your Lordships for His Majesty's confirmation of the infringement. But further the claims of the Catawba Indians to the Lands bordering upon the Catawbas have not been unknown to His Majesty, and therefore in the instruction of one thousand seven hundred and sixty three he was not only pleased to confine his Orders for a line to be run to the east side of the Cataw-

has only, but expressly declares it to be his will and pleasure that no settlement *whatever* be made nor the *Jurisdiction of either Province* exercised upon any Lands claimed by the said Indians, until the said claims shall be finally adjusted, before therefore a reason had been drawn by North Carolina, from a Jurisdiction so recently and unjustifiably established, it should seem to have been the part of that Colony to have first shewn that since the date of those instructions all claims between the Catawba Indians and that Colony had been finally and authoritatively adjusted; on the other hand South Carolina from respect and regard to His Majesty's Prerogative and Commands signified in the Instruction (notwithstanding the trespasses committed by North Carolina Surveyors as complained of by the back settlers to the Governor and Council of South Carolina) desisted from any actual exercise of Jurisdiction, and yet by a latitude of Construction they might have thought themselves well warranted; the Catawba Indians have agreed with South Carolina whither they have ever had recourse upon complaints of injuries from white men) and consented to contract their claim of lands, (where their numerous ancestors had long resided) to a spot of fifteen miles square on condition of building within that spot a stockaded Fort for the security of their women and children, which was accordingly and fully complied with; previous to which agreement it is to be further observ'd that South Carolina Government in obedience to former commands of the Crown that the Catawba Indians should receive no molestation in their hunting grounds surrounding their Towns, had by order of Council reserv'd the lands thirty miles on all sides from their Towns as a District not to be granted to any Person or Persons whatsoever; notwithstanding these circumstances as to any exercise of Jurisdiction on the lands ceded without the limits of the fifteen miles square further than keeping up and maintaining the numberless Forts belonging to this Province in the Lands adjoining and westward of the Catawbas as directed by the said Instruction South Carolina waits His Majesty's positive pleasure to be signify'd upon the ascertaining a final Boundary.

The reason suggested from the expence North Carolina has been put to in running a western Frontier will appear to have less weight if possible than the last taken notice of, for whatever the expence has been (at most it seems two thousand pounds) it was incurr'd without the Privy of South Carolina, and not without knowledge of the claims of this Province to entire jurisdiction over the lands

lying to the westward of the Catawba antient territories, but if expence was to be a reason of any weight, it will preponderate far in favour of South Carolina, for besides former expences the Province has been put to for surveys of this Country, a recent one to the amount of three thousand pounds sterling appears in Payment to M<sup>r</sup> Cook to make a perfect and more compleat survey for the better ascertaining a proper final line of jurisdiction, in addition to such the expence of building and maintaining numberless Forts beyond and within the Catawba Lands is no trivial Article, and it is to be remarked that Fort London at Tannissee in the Upper and Fort Prince George at Keowee in the lower Cherokee Country, were built & compleated and lately effectually repaired at a very large expence in obedience to the immediate commands of the Crown to this Province, commands that import strong evidence of Jurisdiction, and yet almost every one of the Forts would, if the application of North Carolina was to take place, fall within the boundary of that Province, so that upon the Principle of their reason for that such Frontier would fall into South Carolina; South Carolina presumes the argument infinitely stronger on her part, for that such Forts with all the great expenses incurred on account of such forts, surveys & agreements with the Catawbas will be lost to this Province and fall into North Carolina — But my Lords, it is of consideration in the case in question, that if the line had been run up to thirty fifth degree instead of stopping short at  $34^{\circ} 49'$  as is undoubtedly the case, the due west line would then have terminated at the North Eastern instead of South Eastern limits of the Catawba country; from whence it would have been but a small distance round the North of the Catawba Nation to the North Branch of the Catawba River, and in that case there is scarce a doubt but that River would appear the proper the natural and the certain line for a boundary between the two Provinces (upon such Principle Wacaman river if within thirty miles of Cape Fear was mentioned in the instruction of one thousand seven hundred and thirty) preventing the innumerable difficulties that occur in surveying and marking out a line through the woods, or, in the case of settled Countries the inconveniencies in ascertaining Quit rents, Taxes & Taxables, and effectually putting an end to all possible disputes as well of a private as a publick nature. Extraordinary then indeed would the case of South Carolina be, should His Majesty order a line to be continued due west and from a Point erroneously taken



and therefore not in conformity to his intention appearing in the instruction, when so clear and easy a boundary offers, had the observation of Latitude been justly and truly set out; but it is impossible to suppose that, already suffering greatly from the error committed His Majesty can be advised to direct a continuation of an erroneous line to the still more manifest loss and detriment to a Province whose Pretensions to Jurisdiction over that District have almost everything in its favour, but the strict letter of a positive Law. To these considerations there are others proper to be submitted to your Lordships attention, pointed out to the Governor as they are in the report, they will doubtless have their due weight with this Board; The spirit of industry in the cultivation and improvement of Lands in South Carolina does evidently appear from the great increase of the imports and exports, and which must mark a Province more or less in a flourishing condition, of ability and disposition to improve and cultivate lands, the great advantages of which the Mother Country must reap & must therefore ever be an important object of her attention; Bounties have been repeatedly given by the Legislature of South Carolina to encourage the culture of Lands and many of the settlers living upon Broad river and in the Lands westward of the Catawbias have received Bounties for Hemp Naval Stores &c, supplying therefrom the markets of Charleston with Corn Flour Lumber &c, to throw these Lands & People under another Government from that which they conceive themselves within & have derived considerable benefits from, is deserving serious attention, such a step might give a fatal check to cultivation, especially as the advantages now reaped by these settlers of sending their produce to the Charles Town Market by means of rivers and streams at an infinite less expence than by waggons and carriages would probably over balance all similar encouragements from North Carolina, was that Colony disposed to give them, for if annexed to North Carolina the produce must be carried to the public marts within that Province and chiefly by Waggons and Cattle; whereas the cheapness of carriage by means of streams and rivers has been a principal inducement with the Governors and Council of South Carolina to have ordered for many years back (previous to the instruction of one thousand seven hundred and sixty three) Grants of land upon the upper branches of Broad river to be made out to the poor voluntary European Settlers imported at the expense of the Province, under whose protection

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these people have greatly thrive, have long lived and are desirous to continue; it cannot escape your Lordship's observation, the injustice in such a case, if after many years' experience of Land granted by this Government to the Persons imported at the expense of the People, and which was always to be of lands within the Province, South Carolina should now find, without any former interruption to such Grants coming from Great Britain, but simply of care and caution with respect to Lands claimed by the Indians, may after as it were tacit acknowledgements of their Title by the repeated requisitions touching Forts and particularly London and Prince George at Kewohee, that these Letters notwithstanding the expenses incurred for their Passages and in enabling and encouraging them to succeed as they have in the cultivation of their settlements, at the time they are becoming useful inhabitants of the Colony, are not to belong to or to be within the jurisdiction of the Colony; losing at the same time a great and principal object of the expense, that of peopling this Colony with white men, and which is a standing Article of Instruction to the Gov<sup>rs</sup> to recommend in the strongest terms to the Assembly for their better defence & protection against the danger of insurrections of the Negroes; whose numbers must continually increase with an increase of their important commercial staple commodities, to the great advantage and emolument of Great Britain as well as of the Colony. The great disproportion there is between the white men and Negroes in South Carolina (but totally the reverse in North Carolina) must render the former less formidable to a foreign or an indian enemy; in case of hostilities an exertion of their whole strength is absolutely necessary as well to oppose the enemy as to prevent their slaves from revolt, the aid of the inhabitants settled upon the upper parts of Broad river, Catawba, Pacolet and other streams, not only from the addition of their numbers but from the advantage of the stockaded Forts among them, has been found of infinite service, and in such exigencies the Province could not defend itself without, but such aid is not to be procured unless those inhabitants & Forts are subject to and within the immediate authority of this Government as well as within the influence of their Militia Laws; further if its North western Frontier was to be reduced as by the limited Boundary proposed, your Lordship need not to be reminded of the weak and defenceless condition this flourishing Colony must also be reduced to; Savannah River would nearly intersect the line, the Province be formed into a triangle, few or no back

settlements, the strength therefrom loped off, and sequestered from it. Of what consequence also it might be if the long established communication between this Colony and the different Tribes of Indians (who have in most cases used this Government as the medium between His Majesty & them, who here principally prefer their complaints, renew Treaties and negotiate their other concerns, and where their Policy & their Conexions are by long usage and frequent valuable Presents well known and understood) was to be diverted into another channel is submitted to your Lordships wisdom. Your Lordships well know that His Majesty in His Instructions to the Governors of South Carolina does particularly enjoyn them to use all *possible* ways and means to preserve a good correspondence with the Indians on their Frontiers, but *especially* with the Cherokee Indians *inhabiting the Mountains on the North West side of the said Province of South Carolina*. The utility and service to, as well as the Friendship constantly manifested by the Catawba Indians in particular for the Province of South Carolina, is so justly represented by His Majesty's Council, that the expediency and reasonableness of comprehending these faithful allies within South Carolina Boundary it is hoped will meet with your Lordship's entire approbation and support with His Majesty.

Your Memorialist will conclude with barely suggesting the great inconveniences to private persons on account of Grants of Lands, Titles by mesne Conveyances, Wills, Testaments, Mortgages &c. all recorded in the Offices of South Carolina, their Lands cut in two, Part in one Province and the Houses and other Part in the other, Disputes upon the Liquidation of Taxes and Quit Rents and in levying executions: was the line of one thousand seven hundred and sixty four ending at the Salisbury Road to be continued due west thro' the Woods, all which will be much lessened if not entirely avoided by the natural boundary offered on the part of South Carolina as set forth in the close of the said Report, and which for the several reasons assigned.

Your Memorialist prays that your Lordship will take under consideration and be pleased to recommend an Instruction for continuing a line Northerly from the point where the line of one thousand seven hundred and sixty four ended at the Salisbury Road along the said Road to the Catawba Lands, and then easterly, northerly and westerly around and along the line bounding the Catawba Lands surveyed in one thousand seven hundred and sixty three till

it intersects the Catawba River and then to proceed along the North or main Branch of the Catawba River to its source in the Cherokee Mountains.

CHARLES GARTH.

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Report of the Lords of Trade 24<sup>th</sup> April 1771.

TO THE RIGHT HON<sup>ble</sup> THE LORDS OF THE COMMITTEE OF HIS MAJESTY'S MOST HON<sup>ble</sup> PRIVY COUNCIL FOR PLANTATION AFFAIRS.

MY LORDS,

Pursuant to your Lordships order of the 21<sup>st</sup> December 1769, We have taken into our consideration several Papers transmitted by the Governors of His Majesty's Provinces of North Carolina and South Carolina, to the Earl of Hillsborough, one of His Majesty's principal Secretaries of State, relative to a boundary line proposed to be run between the said Provinces.

We have also taken into our consideration a memorial presented to us by Charles Garth Esq<sup>r</sup> Agent for the Province of South Carolina, on the subject of the said Boundary line, and having upon this occasion been attended by the said Agent, as also by the Agent of the Province of North Carolina, and heard what they had to offer, we beg leave to propose to your Lordships,

That the Governor of each of the said Colonies respectively should be instructed, that each Government do appoint Commissioners to continue the Boundary line from the Salisbury road where it now ends, along said road to where it enters the Catawba Lands, from thence along the Southern, Eastern and Northern Boundary of said Lands, to where the Catawba River enters the said Lands on the North, from thence to follow the middle stream of that river northerly to the confluence of the northern and southern branches thereof, and from thence due west, until it reaches the line agreed upon with the Cherokee Indians, as a boundary between their country and the settlements of His Majesty's Subjects; and that it should be further declared, that it is His Majestys pleasure, that the line beginning at the Sea 30 miles distant from the mouth of Cape Fear River on the South West thereof, following the direction in which it has been already run out and marked, as far as the Salisbury road near the Catawba Lands, and as now proposed to be continued from the Station point on that road to the Cherokee line in the manner above

mentioned, shall be the final boundary between the said Province of North Carolina and South Carolina.

We are My Lords, Your Lordship's

most obed<sup>t</sup> & most humble servants

SOAME JENYNS

JOHN ROBERTS

W<sup>m</sup>. FITZHERBERT

GREVILLE

WHITEHALL April 24<sup>th</sup> 1771.

THOMAS WHATELY.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

### TRYON'S ORDER BOOK IN CAMPAIGN AGAINST THE REGULATORS.

Instructions & Orders of the Carteret Detachment on the Expedition against the Insurgents under the Command of the Brave & Victorious General W<sup>m</sup> Tryon Governor of the Province of North Carolina.

NEW BERN April 23<sup>rd</sup> 1771.

SIR,

You will take under your Command and march from this Town to Col<sup>o</sup> W<sup>m</sup> Bryan's in Johnston County two Swivel Guns Mounted on Carriages, and Deliver them to Colo: Moore Commander of the Artillery who will be there to Receive them the 30<sup>th</sup> Inst, the Baggage of each Detachment will march with the Respective Corps.

W<sup>m</sup>. TRYON.

P. S. You are to keep Company with the Craven Detachment.

Orders of March & Lines of Battle His Excellency the Governor Agreeable to the Seniority of the Countys that sent men against the Insurgents.

May 3<sup>rd</sup> 1771.

Craven Detachment takes the Right of the first Line.

Carteret Detachment takes the Left of the first Line.

Orange, Beaufort, Artillery Detachments in the Centre of the first Line.

New Hanover Detachment takes the Right of the Second Line.

Onslow Detachment takes the Left of the Second Line.

Dobbs and Johnston in the Centre of the Second Line.

Johnston Court House May 4<sup>th</sup> 1771.

General Orders.

Parole—Craven.

The Army to March tomorrow, the General to Beat at 6 o'clock, the Assembly at 8, to March at 9.

The Order of March of this Day.

The 3<sup>rd</sup> Company of Craven takes the Grass Guard to Night & Rear Guard tomorrow.

The Carteret Company takes the Quarter Guard to N<sup>t</sup>.

For the Piquett.

The first Company of Johnston & the Baggage Guard to morrow morning.

No fires to be in the Front of the Lines.

The Flanks and Rear of the Camp to be in their proper Places.

Hunters Lodge Camp, Sunday May 5<sup>th</sup>

Parole — Wake. Countersign — Margaret.

The Army rest tomorrow.

Ammunition will be serv'd out to morrow morning at 8 o'clock, Each Man to Receive 6 Cartridges or an equal quantity of Powder & Ball for those who have Rifles or Small Fuzes.

Detachments to Receive according to their Seniority Beginning with the Craven Detachment.

The first Company of New Hanover takes the Piquett to night & Baggage Guard to morrow.

The 2<sup>nd</sup> Company the Quarter Guard & Onslow the Grass Guard.

Hunters Lodge Camp, Monday May 6<sup>th</sup> 1771.

Parole — Carteret. Countersign — Beaufort Bay.

Morning Orders,

The Quarter Master General to receive his Orders from the Commander in Chief only.

Returns to be made this Afternoon of the strength of each Detachment in the Army as also of the Arms & Camp Necessarys agreeable to the Forms Delivered to the Commanding Officers.

Colonels, Lieutenant Colonels, & Majors appointed according to Seniority to the command of the Detachments in the Army Exclusive of the corps of Artillery and Rangers, Viz, {

Colonels — John Ashe, Rich<sup>d</sup> Caswell, Joseph Leech, W<sup>m</sup>. Cree, W<sup>m</sup> Thomson, Needham Bryan, Jno. Hinton.

L<sup>t</sup> Colonel — Richard Cogdell.

Major — Francis M<sup>c</sup>Kelweane.

Field Officer of this Day Colonel Ashe, who is to have the command of all Guards the Piquett & all out Posts belonging to the Camp.

Corps of Artillery & Rangers excepted.

He is to go the Guard Rounds in the Night of both Lines & to visit the Guards & Posts & to be ready to turn out on any alarm.

This Duty to begin at the Evening Gun firing and to continue for 24 Hours.

Field officer of the Day to make his Report to the Commander in Chief of all Extraordinaries while on this Duty.

Colonel Moore of the Artillery & Captain Neale of the Rangers to make their Reports to the Adjutant General for the Commander in Chief. Also each to send an Officer every day at Orderly time to receive Orders.

The Army to turn out under Arms at 3 o'clock this afternoon in the front of their respective Lines; the cannon will fire.

#### After Orders.

As the first Company of Dobbs takes the Governors Guard this Morning, the 4<sup>th</sup> Company of Dobbs will Relieve them tomorrow.

The 2<sup>nd</sup> Company of Dobbs for the Grass Guard to Night & Rear Guard tomorrow.

The 3<sup>rd</sup> Company of Dobbs for the Piquett to Night & Baggage Guard tomorrow.

An Orderly Serjeant from Each Line Continually to attend at Head Quarters & on the Commander in Chief in the Field.

Three Men pr. Company to be allowed to Each Company, to keep Sentinel in their Respective Camps.

The Army to march tomorrow.

The General to Beat at Five, the Assembly at Six and the March in half an hour after.

Piquett to Lye out to Night.

Hunters Lodge Camp Tuesday May 7<sup>th</sup> 1771.

Parole — New Hanover. Countersign — Fort Johnston.

A Court Martial to be held Immediately at the Head of the Colours of the Craven Detachment for the Tryal of all Prisoners.

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Colonel Leech, President.

Two Captains, Two Subalterns, Members from Craven.

The Detachments in the Lines not to Load for the future without Particular Directions from the Commander in Chief, nor the Out Posts to Load unless ordered by the Field Officer of the Day.

No Detachment to be made from the Lines without the Express Orders from the Commander in Chief.

In Case of Alarm

The Field Officer of the Day may Order the Lines to turn out under Arms, but not move off their Ground till Report is made to the Commander in Chief of the cause of the alarm.

Field Officer of the Day, Colonel Caswell.

The Pitt Detachment for the Piquett to Night and Baggage Guard tomorrow.

First Company of Craven Grass Guard to Night and Rear Guard tomorrow.

Second Company of Craven takes the Governors Guard and Quarter Guard tomorrow.

The Quarter Master General or his Assistant goes Immediately to mark out the camp with camp colour men.

Wednesday May 8<sup>th</sup> 1771.

Parole — Onslow. Countersign — New River.

Detachment from Wake County that joined the Army yesterday Ordered to attend the Sheriff of the County & to assist him in Levying all their Fines Due from the Body of Militia that appeared at the General Muster at Hunters Lodge Camp on Monday the 6<sup>th</sup> Instant without Arms & also to support the Sheriff in Levying all the Taxes Due to the public in the said District Excepting from those who have entered themselves Volunteers in his Majesty's service against the Insurgents.

Captain Moore of the Wake Detachment will Receive his particular Orders from Col<sup>o</sup>. Hinton.

One Days Provision to be Immediately Delivered to the whole Detachment.

As several Persons suppos'd to be Regulators have been seen Lurking about the Camp, Ordered —

That all such Persons be taken up & examined agreeable to Standing Orders.



Any soldier that can catch any Person Stealing or Driving from the Camp any Horses Belonging to the Army shall upon conviction thereof Before a Court Martial Receive Five Dollars Reward.

These Two Last orders to be Read at the Head of Every Company Before the Troops March off.

A Sufficient Quantity of Ammunition be Immediately Delivered to the Army.

The Quarter Master with the Camp Colour Men & the Advance Guard not to March far from the Head of the Column.

The whole Army to march with the Greatest Caution.

After Orders — New Hope Camp.

Field Officer for the Day, Col<sup>o</sup>. Leech.

For the Piquett to Night, 3<sup>rd</sup> Company of Craven.

Grass Guard to Night & Rear Guard to morrow, Carteret; Governors Guard & Quarter Guard to morrow, first Company of Johnston.

The Army to March tomorrow.

The General to Beat at Gun firing, the Assembly at 6, & the army to march at 7.

Enoe Camp, Thursday May 9<sup>th</sup> 1771. P. M.

Parole — Orange. Countersign — Hillsborough.

Field Officer of the Day, Col<sup>o</sup>. Cray.

For the Piquett to Night, 2<sup>nd</sup> Company of Johnston.

For the Grass Guard to Night & Rear Guard to morrow, Onslow Company.

For the Governors Guard & Quarter Guard to morrow, the first Company of New Hanover.

The Corps of Artillery being found too weak to Do the Duty in the Park of Artillery & the Management of the Guns,

His Excellency Resolves that the Pitt Detachment be taken out of the 2<sup>d</sup> Line & be United & Encamped with the Artillery as the 2<sup>d</sup> Detachment of that Corps under the command of Colonel Moore.

The Artillery for the Future Mount Quarter Guard with a subaltern & 20 men from which they are to furnish the Centinels on the Park of Artillery.

The soldiers not to go into the Town of Hillsborough without the Leave of the Commanding Officer of his or their Detachments.

The Army Halts tomorrow.

The Men to wash their Linnen & Haversacks in the Morning that they may be Ready to March at an Hours Warning.

One Days Provision to be Issued out Early in the Morning.

Enoe Camp Friday May 10<sup>th</sup> 1771.

Parole — London. Countersign — Dublin.

Field Officer for the Day — Colonel Thomson.

For the Piquett to Night & Baggage Guard to-morrow, 2<sup>nd</sup> Company of New Hanover.

For the Grass Guard to-Night & Rear Guard to Morrow, First Company of New Hanover.

The First Company of Dobbs for the Generals Guard & Quarter Guard to-morrow.

The Army marches to-morrow. The sick Men to be sent this Morning into Town to the Hospital Provided for them.

Such men whose arms wants Repair to be left Behind 'till Such Times as their Arms can be Repaired. Two Subaltern Officers and Two Serjeants to be left with them to bring them up to the Army as soon as compleated. Craven furnishes one Subaltern and one Serjeant and New Hanover the other Subaltern and Serjeant.

These Officers while in Town will have the Inspection of the Sick and bring up what Men may be Recovered when the arms are Repaired leaving a Serjeant with those left behind who will bring them to the Army when recovered.

The Commanding Officer of each Detachment will send to Mr. Hogen this morning for the Quantity of Ticking, Gartering, Thread and Needles to make shot Bags which they will Immediately get made by the Taylor of their Respective Detachments to be Distributed to their several Corps that wants them.

As Carts are found Greatly to Impede the march of the army, His Excellency has ordered a Waggon to be Provided for every Two Companies, & the Carts to be Left in Hillsborough.

Enoe Camp Hillsborough May 11<sup>th</sup> 1771.

Parole — Salisbury. Countersign — Yadkin.

Field Officer of the Day — Col: Bryant.

The Assembly to beat immediately and the Army to march through the town at half an hour after. Two companies of the Orange Detachment to march with the Army, the other two to

remain for the protection of Hillsborough till further Orders under the command of Colonel Ashe.

The Colonels of the lines to form a Court of Enquiry as soon as the Troops arrive in camp and Enquire of the Commanding Officer on the Governors Guard last night the cause of the State prisoner's escape and report to his Excellency thereon.

Alexander Gallaspie appointed Commandant of the Pioneers with the rank and pay of Ensign.

Serjeant Wright with a detachment of nine men from Surry County will form the company of Pioneers under the command of Ensign Gallaspie.

The Pioneers to march off with the Advance Guard to repair the Roads and make good the Bridges for the Army to pass over. Captain Lanstheir will supply them with necessary tools.

For the Piquett, the first Company of Dobbs which is to take the Baggage Guard to-morrow.

For the Grass Guard to night and the Rear Guard to morrow, 3<sup>rd</sup> Company of Dobbs.

For the Governors Guard and Quarter Guard, the 4<sup>th</sup> Company of Dobbs.

The Army marches to-morrow.

The General to beat at 5 o'clock the Assembly at half past five and the whole to march at 6.

Divine Service will be performed at Colo: Mabins.

The Adjutants to be very Punctual in communicating the Orders to their respective commanding officers.

Lodge Camp Sunday, May 12<sup>th</sup> 1771.

Parole — Beaufort. Countersign — Turnour.

Field Officer of the Day — Lt: Col: Cogdale & Major M<sup>c</sup>Kellweane.

To the Piquett to night & Baggage Guard to morrow, the first Company of Orange.

For the Grass Guard to night and Rear Guard to morrow, the 2<sup>d</sup> company of Orange.

For the Governor & Quarter Guard the first company of Craven.

The Piquett to lie out every night till counter Ordered.

The Johnston Detachment being found too Weak to do Duty as two companys — Ordered that they for the future, do camp Duty as one Detachment & as one company.

It appearing by Report from the Court of Enquiry appointed yesterday, that neither the Commanding Officer, nor the Serjeant of the Generals Guard were Privy or consenting to the escape of the prisoner,

His Excellency orders that Serjeant Smith be released from his confinement and that the Assistant Adjutant General Campbell be brought before the Board and receive from the Board a severe reprimand for presuming to bring to Town the Guard without express Orders from the Commander in Chief.

The Governor hopes that the reflection brought on the Troops by suffering the Prisoner to escape will for the future animate them to be diligent and vigilant in discharging of their Duty.

The Gentlemen Volunteers that have generously offered their service on the Expedition by forming themselves into a Troop of Light Horse under the command of Captain Bullock, To be employed in escorting his Excellency and covering the Flanks of the Army in scouting partys.

The commissary delivering Provision daily to the Troop of Light Horse taking Captain Bullock's receipt for the same.

All Prisoners for the future to be kept by the Quarter Guard only, both in camp and on the march.

The Army to march to morrow.

The General to Beat at 5, the Assembly at 6, and the whole to march off at 7.

Hor River Camp, Monday May 13<sup>th</sup> 1771.

Parole — Waddle. Countersign — Charlotte.

Field Officer of the Day — Colonel Ashe.

For the Piquett to night and Baggage Guard to morrow, 2<sup>d</sup> company of Craven.

For the Grass Guard to night and Rear Guard to morrow, 3<sup>d</sup> company of Craven.

For the Governors Guard, Carteret company.

For the 2<sup>d</sup> Guard, Johnston Detachment.

The Piquett to lye out every night.

No officer or soldier to put off his clothes or stay out of camp without orders.

The Officers to be particularly attentive to their Duty and not suffer the soldiers to make the least noise in case of alarm, but to remain perfectly silent after they are formed.

The signal upon an alarm to be, stand to your Arms instead of drum beating.

A small Field piece to be planted in the flanks of each line and one piece in the center of the Rear line facing to the Rear — A small Detachment from the Artillery to each.

The Orange Detachment to fall in the front line to the right of the Carteret.

Large Fires to be Lighted as soon as arrived to the camps in the Front, Rear and Flanks at the distance of two hundred yards.

After Orders May 13<sup>th</sup>.

His Excellency having been informed that the Army had committed Outrages on the property of the inhabitants seated on the Road contrary to his Express commands and scandalous and dishonorable to the Service —

He does once more strictly forbid every Person belonging to the Army from taking or disturbing the property of any person whatsoever, as they will on complaint made receive the severest punishment the nature of the offence deserves, besides making restitution to the person they injure.

The Army marches to-morrow.

The General to beat at 7, the Assembly at 8 and whole to march at 9 o'clock.

As many Waggon's as can be spar'd to return to Hillsborough to-morrow morning to bring up Provisions to the Army.

Great Alamance Camp, Tuesday May 14<sup>th</sup> 1771.

Parole — America. Countersign — Steady.

Field Officer of the Day — Colonel Caswell.

For the Piquett to-night and Baggage Guard to-morrow, New Hanover.

For the Grass Guard to-night and Rear Guard tomorrow, Onslow.

For the Governor's Guard, Orange.

For the Quarter Guard, Beaufort.

One third of the Army to remain under arms all night.

To be relieved every four hours by the like number.

The Soldiers to keep within their Encampment and to be ready to run to their arms on the first alarm.

The Quarter Guard will remain in the line of their Encampment detaching an officer and 14 men to take charge of all prisoners to be kept in the rear of the lines.

Alamance Camp Wednesday May 15<sup>th</sup> 1771.

Parole—New York. Countersign—Albany.

Field Officer of the Day, Colonel Leech.

For the Piquett to Night and Baggage Guard tomorrow.

For the Grass Guard to Night and Rear Guard tomorrow to be furnished by Craven.

Governors Guard this morning and Quarter Guard furnished by Dobbs.

The commanding officers of each detachment to keep a Roster of their tower of duty of their respective Corps that each company may take their turn of camp duty.

Captain Malcolm appointed an additional Aid de Camp to his Excellency with the rank and pay of a captain.

The Light Horse to keep their horses saddled and bridled all night, ten of them to form a Grand Guard about half a mile from the camp a little off the Road to Salisbury, and to have their Videts out one in the centre and one on each flank, and to be visited by the Grand Guard and relieved every two hours.

In case of alarm—Notice to be Immediately sent to inform the Commander in Chief, and to maintain their ground or to retire slowly to camp as the case may require.

#### After Orders.

The Army to march tomorrow at break of day without beat of drum, leaving the tents standing, and the baggage and Commissarys waggons in camp.

One company of the Johnston detachment and as many men as are not able to march briskly out of the several detachments to remain behind as guard upon the Camp under the command of Colonel Needham Bryant.

The waggon horses to remain in their geer until the Army returns to the camp and the whole to be drawn into an hollow square.

Mr Edwards and Mr Palmer having resigned their places as Aid de Camps to his Excellency, Wiley Jones and Thos. Clark Esqrs. are appointed in their stead with the rank and pay of Captains.

#### Line of Battle.

The Craven and Beaufort detachments on the right wing of the first line.

Carteret and Orange detachments on the left of the first line.

The Artillery in the centre of the front line between Orange and Beaufort.

New Hanover and three companys of Dobbs in the right wing of the second line.

Onslow, Johnston and Dobbs on the left of the second line.

The Detachment from Wake & the Light Horse from Duplin to Reinforce the Rear Guard.

The Rangers to cover the Flanks of Both Lines facing to the Right.

Detachments will be made from the Artillery as Occasion may Require & the Ground Permit.

In case the Left Wing is attacked, Carteret & Onslow forms an Angle from their Respective Lines to cover the Left Flank.

Doctor Haslin has under his care & inspection the Detachments from Craven, Carteret, Pitt, Dobbs, Beaufort, & the Rangers.

Doctor Matthewson to Act as Mate to Doctor Haslin.

Doctor Cobham has under his care & inspection the Detachments from New Hanover, Onslow, Johnston, Orange, New Hanover Detachment of Artillery, Detachment from Wake, the Light Troop of Horse & the Volunteers.

Doctor Powers to Act as Mate to Doctor Cobham.

The Army to be Immediately form'd into Line of Battle according to Orders.

Thursday May 16<sup>th</sup> 1771.

A Signal & Glorious Victory Obtained over the Obstinate & Infatuated Rebels at about Five Miles Distant from the Great Alamance camp under the conduct & valour of our Noble & Victorious General Tryon, Governor of the Province of North Carolina —

Whom God Preserve.

Great Alamance Camp Friday May 17<sup>th</sup> 1771.

Parole — Greenville. Countersign — Oxford.

The Governor impressed with the most affectionate sense of gratitude Gives Thanks to both Officers and Soldiers of the Army for the Vigorous & Generous Support they Afforded him yesterday in the Battle Near Alamance, it was to their Valour & Steady Conduct that he owes under the Providence of God the Signal Victory Obtained over Obstinate & Infatuated Rebels. His Excellency Sympathizes with the Loyalists for the Brave Men that Fell & Suffered in the

Action, But when he Reflects that the fate of the Constitution Depended on the Success of the Day & the Important Service thereby Rendered to their King & Country, He considers this Loss tho' at Present the cause of Affliction to their Relations & Friends as a Monument of Lasting Glory & honour to themselves & Familys.

The Dead to be Interr'd at 5 o'clock this Evening in the front of the Park of Artillery.

Funeral Service to be Performed with Military Honours to the Deceased.

After the ceremony of Prayers and Thanksgiving for the Signal Victory it has pleased Divine Providence yesterday to grant the army over the Insurgents.

Field Officer of the Day, Colonel Fanning.

For the Piquett to-night and Baggage Guard to-morrow, Craven.

For the Grass Guard to-night and Rear Guard to-morrow, Johnston.

For the Governors Guard to-morrow, Orange.

For the Quarter Guard to-morrow, Onslow.

A man from each Detachment of the Army with one Serjeant to parade immediately for the Hospital Guard, this Guard to be reliev'd every 48 hours.

Jno. Walker Esq. is appointed Steward to the Hospital with the pay of Captain and is to be accountable for all Stores delivered for the sick and wounded.

Doctor Richards appointed Chyrurgeon to Doctor Cobhams Division with the pay of Lieutenant Colonel.

May 18<sup>th</sup>.

Ordered, that all Arms, Ammunition, Horses, Saddles, Bridles and Papers that were taken from the Rebels in the field of battle or elsewhere [be] brought to the head of Artillery by 12 o'clock, the Saddle Bags, Provisions and Clothes belongs to the captors.

Great Alamance Camp, Saturday May 18<sup>th</sup> 1771.

Parole — Edinburgh. Countersign — Carlisle.

Field Officer of the Day — Colonel Thomson.

The 2<sup>d</sup> Line ordered to march as soon as possible under the command of Colo: Ashe with a detachment from the Artillery with two small field pieces.

The Quarter Guard to be relieved immediately by the Orange Detachment.



The Commissary will send two waggons of provisions and one empty waggon of ammunition to go with Colonel Ashe.

James Green appointed Store Keeper of all the arms taken in action or Surrendered by the enemy and also Keeps an account of all sales for use of the public for all which trouble he shall be allowed Captains pay.

Twelve of the Light Horse to accompany Colo: Ashe.

The Volunteers from Duplin to be under the command of Major Clynton and to form a Light Troop of Horse.

Camp Sunday May 19<sup>th</sup> 1771.

Parole — Maryland. Countersign — Boston.

Field Officer of the Day — Colonel Bryant.

For the Piquett to night and Baggage Guard to morrow, Dobbs.

Grass Guard to night and Rear Guard to morrow, Craven.

Governors Guard to morrow, Orange.

For the Quarter Guard to night, New Hanover.

John Rutherford Esq, Judge Advocate appointed to take the Oaths of Qualification of such of the Rebels as surrenders themselves agreeable to Proclamation of the 17<sup>th</sup> Instant.

The whole marches to morrow.

Camp Monday May 20<sup>th</sup> 1771.

Parole — Anson. Countersign — Duplin.

Field Officer of the Day — Colonel Ashe.

For the Piquett to night and Baggage Guard to morrow, Orange.

For the Grass Guard to night and Rear Guard to morrow, Dobbs.

For the Governors Guard, Orange.

Quarter Guard to morrow, Dobbs.

Divine Service to be performed at 5 o'clock in the evening, time not permitting yesterday.

The Army to march to morrow.

The General to Beat at 5, the Assembly  $\frac{1}{2}$  after, and the whole to march at 6.

Sandy Creek Camp Tuesday May 21<sup>st</sup> 1771.

Parole — Bath. Countersign — Bristol.

Field Officer of the Day, Colonel Ashe.

For Piquett to Night & Baggage Guard tomorrow, Craven.

Grass Guard to Night, Carteret.

Governors Guard tomorrow, New Hanover.

Quarter Guard tomorrow, Onslow.

The Army Halts tomorrow.

Returns to be Given tomorrow of the strength & condition of the several Companies & of the Arms & Ammunition Camp Necessary &c Agreeable to the form settled.

A Court Martial to be held tomorrow morning for the Tryal of Several Prisoners.

Colonel Ashe President.

One Captain	} Carteret	} Members.
One Subaltern		
One Do	} New Hanover	
One Subaltern		

Sandy Creek Camp Wednesday May 22<sup>d</sup> 1771.

Parole — Charlestown. Countersign — Bull.

Field Officer of the Day, Colonel Caswell.

For the Piquett to Night & Baggage Guard tomorrow, Johnston.

For the Grass Guard, Orange.

For the Governors Guard tomorrow, Beauford.

For the Quarter Guard, Dobbs.

The Army Halts tomorrow.

No Prisoners to be Released from the Quarter Guard but by a Written Order Signed by the Adjutant General.

Sandy Creek Camp Thursday May 23<sup>rd</sup> 1771.

Parole — Virginia. Countersign — Suffolk.

Field Officer of the Day — Colonel Fanning.

For the Piquett to-night and Baggage Guard to-morrow, Craven.

Grass Guard to-night, New Hanover.

Governors Guard to-morrow, Orange.

Q<sup>r</sup> Guard to-morrow, Dobbs.

No Soldier to leave the Camp but by express leave from the Commander in Chief.

Two companies of the Dobbs Detachment to parade and march immediately under the command of Captain Simon Bright.

The Army to be under arms at 4 o'clock this afternoon at the head of the lines.

The army halts to-morrow, but the whole to be ready to march off on the first notice if occasion requires.

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Sandy Creek Camp Friday May 24<sup>th</sup> 1771.

Parole — George Town. Countersign — Win Yaw.

Field Officer of the Day — Colonel Leech.

For the Piquett to-night and Baggage Guard to-morrow, Craven.  
Grass Guard to night, Carteret.

For the Governors Guard to-morrow, Rangers.

For the Quarter Guard to-morrow, Craven.

The Orange Detachment to parade and march off immediately under the command of Colonel Fanning who is to have one field piece with a detachment from the Artillery.

The Commissary to deliver Colonel Fanning two days provision.

The stone horses to be sold by the Provost Marshal at the head of Artillery at 4 o'clock this afternoon.

Sandy Creek Camp Saturday May 25<sup>th</sup> 1771.

Parole — Florida. Countersign — Mobile.

Field Officer of the Day — Colonel Thomson.

For the Pickett to night and Baggage Guard to-morrow, N. Hanover.  
Grass Guard to night, Onslow.

Governors Guard tomorrow, Johnston.

Quarter Guard tomorrow, Beaufort.

The weather pressing bad the Army does not march to day.

The Colonels of the Line to form a Board of Enquiry this morning to report upon the conduct of Colonel Johnston of the Bute Regiment of Militia and the causes for his not having complied with his Excellency's Requisition to raise men against the Rebels.

The Judge Advocate to attend the Board, Present the Charge and summons the witnesses.

Sandy Creek Camp Sunday May 26<sup>th</sup> 1771.

Parole — Cumberland. Countersign — Cross Creek.

Field Officer of the Day — Colonel Bryant.

For the Piquett to night and Baggage Guard to-morrow, Dobbs.  
Grass Guard to night and Rear Guard to-morrow, Wake.

Governors Guard tomorrow, Craven.

Quarter Guard tomorrow, New Hanover.

His Excellency is much concerned to see that notwithstanding his Repeated orders, the Officers are so Negligent of their duty as to suffer the Soldiers to fire off their guns through all parts of the camp.

He expects for the future that they will be more Observant, and send every man that fires without his leave to the Quarter Guard, to be Tryed by a Court Martial for Disobedience of Orders.

This Order to be Immediately Read at the Head of each Company

Sandy Creek Camp Monday May 27<sup>th</sup> 1771.

Parole — Canada. Countersign — Quebec.

Field Officer of the Day — Colonel Hinton.

For the Piquett to-night and Baggage Guard tomorrow, Dobbs.

Grass Guard to-night and Rear Guard tomorrow, Craven.

Governor's Guard to-morrow, Light Infantry.

Quarter Guard to-morrow, Dobbs.

A Court Martial to be held this morning for the tryal of Deserters brought to camp. Col<sup>o</sup> Thomson President; Members — Dobbs, one Captain and one subaltern; Craven, one Captain; Carteret, one subaltern.

Sandy Creek Camp Tuesday May 28<sup>th</sup> 1771.

Parole — Cape Britain. Countersign — Louisburg.

Field Officers of the Day—L<sup>t</sup>: Col<sup>o</sup>: Cogdell and Major M<sup>o</sup>Killweane.

For the Piquett to-night and Baggage Guard to-morrow, Dobbs.

Grass Guard to-night and Rear Guard to-morrow, Craven.

Governor's Guard to-morrow, Carteret.

Quarter Guard to-morrow, New Hanover.

The Army to march at 2 o'clock.

The Quarter Master General to parade the camp colour men immediately and to march forward as soon as possible.

Deep River Camp Wednesday May 29<sup>th</sup> 1771.

Parole — Georgia. Countersign — Savannah.

Field Officer of the Day Col. Ashe.

For the Piquett to Night & Baggage Guard tomorrow, Carteret.

Grass Guard to Night & Rear Guard tomorrow, Onslow.

Governors Guard tomorrow, Rangers.

Quarter Guard tomorrow, Johnston.

The Army Marches tomorrow.

The General to beat at 5 o'clock the Assembly at 6 & the whole to march Immediately after.

The Rangers & Orange Detachment to join the Army at 6 o'clock tomorrow morning.

The Waggoners to Harness their Horses at Break of Day & cross the River Immediately after.

The Light Horse & Light Infantry to cross the River before them.

Camp Thursday May 30<sup>th</sup> 1771.

Parole — Rowan. Countersign — Salisbury.

Field Officer of the Day, Colonel Caswell.

For the Piquett to Night & Baggs: Guard tomorrow, Dobbs.

Grass Guard to Night & Rear Guard tomorrow, Wake.

Governors Guard tomorrow, Craven.

The Orange Detachment the Rangers & the Light Infantry to march Before the Army & take Possession of the Height of the South Side of Uwarree.

Each Detachment of the Army to furnish the Commissaries with a careful man to continue with him until further orders to assist him in Driving & killing the cattle that marches with the Army.

Flatt Swamp Creek Friday May 31<sup>st</sup> 1771.

Parole — Bladen. Countersign — Fox.

Field Officer of the Day — Colonel Leech.

The Governor having Observed for the two days past great irregularities in the Order of March by the baggage waggons and carts breaking in between the lines of the Army,

It is his Positive Directions, that the following order of march be in future punctually observed —

The Rangers form the Van Guard with the camp colour men and Pioneers.

The Rangers baggage and baggage of the first line follow the Van Guard. — Then the first line as in the Order of Encampment.

The Quarter Guard with the Prisoners.

The second line, then the baggage up with the said line — Commissarys waggons in the Rear.

The Army marches tomorrow — The General to Beat at 5, the Assembly at 7, then the troops to march off immediately after.

For the Piquett to Night and Baggage Guard tomorrow — Dobbs.

Grass Guard to Night and Rear Guard tomorrow, Craven.

Governors Guard, Rangers.

Quarter Guard tomorrow — Dobbs.

Jersey Settlement Camp Saturday June 1<sup>st</sup> 1771.

Parole — Jamaica. Countersign — Kingston.

Field Officer of the Day — Colo: Thomson.

For the Piquett to night and Baggage Guard to-morrow, Dobbs.

Grass Guard to-night and Rear Guard to-morrow, Craven.

Governors Guard to-morrow, Rangers.

Quarter Guard to-morrow, Carteret.

The Army halts to-morrow.

Divine Service to be performed to-morrow morning at nine o'clock.

All the horses, bridles and saddles taken in battle and now in Camp, to be brought to the head of Artillery at 12 o'clock to-morrow.

The Horses will be branded with a Brand T.

The Commissary to brand all the cattle brought in from the Settlements according to Requisitions made them.

The Soldiers not to burn any Fence Rails on any account, on pain of being Severely Punished.

Jersey Settlement Camp, Sunday June 2<sup>d</sup> 1771.

Parole — Barbadoes. Countersign — Bridgetown.

Field Officer of the Day — Colonel Bryant.

For the Pickett to night and Baggage Guard to-morrow, New Hanover.

Grass Guard to-night and Rear Guard to-morrow, Onslow.

Governors Guard to-morrow, Rangers.

Quarter Guard to-morrow, Johnston.

Court Martial to be held this evening at 5 o'clock for the tryal of the prisoners of the Army.

Lieutenant Colonel Cogdell President.

Craven	{ One Captain One Subaltern }	} Members.
Dobbs	{ One Captain One Subaltern }	

The Army marches to-morrow. The General to beat at 5, the Assembly at 6, and the whole to march immediately after.

The horses that were ordered to the head of Artillery this morning to parade this evening in the Orchard at 5 o'clock.

This Order to be read Peremptorily to each Officer.

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Reedy Creek Camp June 3<sup>d</sup> 1771.

Parole — York. Countersign — Lincoln.

Field Officer of the Day — Col. Hinton.

Piquett to night and Baggage Guard tomorrow, Orange.

Grass Guard to night and Rear Guard to morrow, Beauford.

Governors Guard tomorrow, Light Infantry.

Q<sup>r</sup> Guard to morrow, Dobbs.

The Detachment under Colonel Fanning to join the Army this evening with the Forces under his command.

General Waddle to join the Army at 5 o'clock to morrow morning.

The Army marches to morrow, morning the General to beat at 5, the Assembly at 6 and the whole to march immediately after.

The Wagon and Artillery Horses to be kept in their geer all night.

The celebration of his Majesty's Birth Day and of the victory obtained over the Rebels the 16<sup>th</sup> of May is postpon'd till the Army arrives at Moravian Town.

Moravian Camp June 4<sup>th</sup> 1771.

Parole — Wacovia. Countersign — Bathabara.

Field Officer of the Day — Colonel Codgell and Major M<sup>c</sup>Kellweane.

For the Piquett to night and Baggage Guard to morrow, Wake.

Grass Guard to night and Rear Guard to morrow, Craven.

Governors Guard to morrow, Light Infantry.

Q<sup>r</sup> Guard to morrow, Carteret.

The Horses of the Army to be turned to the great meadow and into no other part.

No soldier to come into Town without a permit in writing from the commanding officer of their respective company then to remain no longer than their necessary business requires.

Any person that is detected taking anything out of the gardens or houses of any of the Inhabitants of this Settlement or doing any injury to their persons or properties shall be most severely punished.

No Fence Rails to be burnt.

The Army halts to morrow and the soldiers are recommended to wash up their clothes that they may appear clean on Thursday next the day appointed for celebrating his Majesty's Birth Day and the victory obtained the 16<sup>th</sup> day of May last, over the Rebels.

Moravian Camp June 5<sup>th</sup>.

Parole — Salem. Countersign — Bethany.

Field Officer of the Day, Col<sup>o</sup> Harris.

For the Piquett to Night & Baggage Guard tomorrow, Mecklenburg.

Grass Guard to Night, Anson & Tryon.

Governors Guard tomorrow, Mecklenburg.

• • Quarter Guard tomorrow, Rowan.

Rangers to take the Town Guard at Bethabara at Gun firing this Evening.

The Army Halts tomorrow to celebrate his Majesty's Birth Day & the Victory obtained over the Rebels the 16<sup>th</sup> Day of May.

The whole to be under Arms at 11 o'clock in the Morning in the Field above the Great Barn.

The Forces that Join the Army under General Waddle, will close the Left of the Army in Two Lines according to the Seniority of Companys.

The Artillery to be Distributed upon the Right & Left wing & centre of the First Line.

After the Royal Salute The Troops will Fire a *Feu De Joy*.

The Men will Receive their Rations in Bread instead of Flour & a Pint of Beer & a Jill of Spirits pr. Man.

Moravian Camp Thursday June 6<sup>th</sup> 1771.

Parole — St. James. Countersign — Prince George.

Field Officer of the Day, Colonel Spencer.

Piquett to Night & Baggage Guard tomorrow, Orange.

Grass Guard to Night & Rear Guard tomorrow, Dobbs.

Governors Guard tomorrow, Rangers.

Q<sup>r</sup> Guard tomorrow, Craven.

The Army to Hold themselves in Readiness if Requested.

The Governor Thanks the Troops for their Regular firing<sup>m</sup> & steady Behaviour in the Field to Day.

Moravian Camp Friday June 7<sup>th</sup> 1771.

Parole — Williamsburgh. Countersign — Norfolk.

Field Officer of the Day — Colonel Ashe.

For the Piquett to Night and Baggage Guard tomorrow, Dobbs.

Grass Guard to Night, Dobbs.



Governors Guard tomorrow, Rangers.

Quarter Guard tomorrow, Craven.

The Army to hold themselves in Readiness to march, tomorrow.

#### Ordered

That no Stone Horses be turned out with the horses belonging to the camp. If any such be found at liberty, the Grass Guard to take them and carry them to the Provost Martial General.

All Stone Horses that have been Pressed to be immediately discharged and none for the future to be Press'd.

A Court Martial to be held this Afternoon for the Tryal of all Prisoners belonging to camp.

Lt: Colonel Nash President.

Beaufort, Anson, Tryon—Each a Capt. & Subaltern, Members.

Moravian Camp Saturday June 8<sup>th</sup> 1771.

Parole—Tryon. Countersign—Wake.

Field Officer of the Day—Colonel Caswell.

For the Piquett to Night & Baggage Guard tomorrow, Carteret.

Grass Guard to Night and Rear Guard tomorrow, N. Hanover.

Governors Guard tomorrow, Rangers.

Quarter Guard tomorrow, Onslow.

Robert Shaw Esq. Ranks as Col<sup>o</sup>: by Commission and not as Lt: Colonel, as through a Mistake was mentioned in the Orders of Yesterday.

#### After Orders.

Captain Walkers Company of Artillery being detach'd with General Waddle—Ordered that the Beaufort company be united and do duty with the corps of artillery commanded by Col<sup>o</sup>: Howe.

The Army marches tomorrow, The General to Beat at 5, the Assembly at 6, and the whole to march off immediately after.

Black Jack Camp Sunday June 9<sup>th</sup> 1771.

Parole—Pamplico. Countersign—Bath.

Field Officer of the Day—Col<sup>o</sup>: Leech.

For the Piquett to Night and Baggage Guard tomorrow, Johnston.

Grass Guard to Night and Rear Guard tomorrow, Dobbs.

Governors Guard tomorrow, Rangers.

Quarter Guard tomorrow, Wake.

The Army marches tomorrow. The General to Beat at 5 in the morning, the Assembly at 7, and the whole to march immediately after.

Buffalo Camp Monday June 10<sup>th</sup>.

Parole — Portsmouth. Countersign — Southampton.

Field Officer of the Day, Colonel Cray.

For the Piquett to Night & Baggage Guard tomorrow, Craven.

Grass Guard to Night & Rear Guard tomorrow New, Hanover.

Governors Guard tomorrow, Rangers.

Quarter Guard tomorrow, Dobbs.

Captain Daws is appointed Assistant Quarter Master General, in the Room of Colonel Lillington.

The Army marches tomorrow.

The General to beat at 5, the Assembly at 7 & the whole to march off Immediately after.

The Grass Guard to March to Fosters one Mile to the Westward of Mr Campbell's Store.

The Horses are to be Turn'd into the Meadow.

Bigg Troublesome Camp Tuesday June 11<sup>th</sup> 1771.

Parole — Winchester. Countersign — Stockbridge.

Field Officer of the Day, Col<sup>d</sup> Thomson.

Piquett to Night & Baggage Guard tomorrow, Craven.

Grass Guard to Night & Rear Guard tomorrow, Dobbs.

Governors Guard tomorrow, Rangers.

Q<sup>r</sup> Guard tomorrow, Dobbs.

The Army marches tomorrow.

The General to Beat at 5, The Assembly at 6, & the whole to march off Immediately after.

The Officers are Desired to have their Baggage Loaded Before the Assembly Beats, that no Time may be Lost.

Watsons Creek Camp June 12<sup>th</sup> 1771.

Parole — Northumberland. Countersign — Durham.

Field Officer of the Day, Colonel Bryant.

For the Piquett to Night & Baggage Guard tomorrow, Craven.

Grass Guard to Night & Rear Guard tomorrow, Carteret.

Governors Guard tomorrow, Rangers.

Q<sup>r</sup> Guard tomorrow, New Hanover.

The Army Marches tomorrow.

The General to Beat at 5, the Assembly at 6 & the whole to march off Immediately after.

The Wake Detachment to be Mov'd out of the 2<sup>d</sup> Line into the first, Between the Carteret Detachment & Captain Salters company of Artillery.

Back Creek Camp June 13<sup>th</sup> 1771.

Parole — St. Albans. Countersign — Bedford.

Field Officer of the Day, Colonel Hynton.

Piquett to Night & Baggage Guard tomorrow, Onslow.

Grass Guard to Night & Rear Guard tomorrow, Johnston.

Governors Guard tomorrow, Rangers.

Q<sup>r</sup> Guard tomorrow, Dobbs.

The Army marches tomorrow.

The General to Beat at 5, the Assembly at 7, & the whole to march off Immediately after.

Hillsborough Camp June 14<sup>th</sup> 1771.

Parole — Epsom. Countersign — Croydon.

Field Officers of the Day, Lt. Colonel Cogdell & Major M<sup>c</sup>Killweane.

For the Piquett to Night & Baggage Guard tomorrow, Wake.

For the Grass Guard to Night, Craven.

Governors Guard tomorrow, Rangers.

A Main Guard to be Mounted tomorrow morning at 8 o'clock consisting of 2 companies with their officers under the command of the Field Officers — New Hanover & Dobbs furnishes for this guard & Colonel Ashe to be Field Officer.

As soon as the Main Guard is mounted they will Receive the Prisoners from the Quarter Guard & Dispatch a Subaltern, Sergeant & 12 men who are to do duty as a Q<sup>r</sup> Guard & take charge of all Prisoners belonging to the Army.

The Officers & Soldiers to cock up their Hats & put a sprig of Oak on the Left side of their Hats.

They will observe to keep their Ranks & March with spirit as they go through the Town of Hillsborough.

The Baggage & Commissary Waggons to keep close in the order of March.

The Army Halts tomorrow.

No Soldier to go from Camp to Town without Leave from the commanding officer of his Respective Detachment.

Hillsborough Camp Saturday June 15<sup>th</sup> 1771.

Parole — Santee. Countersign — Pedee.

Field Officer of the Day — Colo : Cray.

Piquett to night and Baggage Guard to morrow, Craven.

Grass Guard tonight, Dobbs.

Governors Guard, Rangers.

Main Guard to morrow to be furnish'd by Dobbs and Craven, under command of Colonel Leech.

The Army halts to morrow.

Divine service to be perform'd in camp at 10 o'clock in the morning.

Hillsborough Camp Sunday June 16<sup>th</sup> 1771.

Parole — Devonshire. Countersign — Kensingtree.

Field Officer of the Day — Colonel Bryant.

Piquett to night and Baggage Guard to morrow, Carteret.

Grass Guard to night, New Hanover.

Governors Guard to morrow, Rangers.

The main Guard to morrow to be furnished by Onslow and Johnston, under the command of Colonel Thomson.

The same to parade in their lines before they march to their Guards.

The Army halts to morrow.

The commissary will this evening deliver to Colonel Ashe what hides and leather he has by him to distribute amongst the several Detachments of the Army to make up in shoes and mocasons for the men as soon as possible by the shoemakers in the Army, who will be excused camp duty while they are employed.

The commanding officer of each Detachment to get themselves informed of the No: of shoemakers belonging to them and order them for this work.

Hillsborough Camp Monday June 17<sup>th</sup> 1771.

Parole — Cross Creek. Countersign — Enoe.

Field Officer of the Day — Colonel Hinton.

Piquett to night and Baggage Guard to morrow, Dobbs.

Grass Guard to night, Wake.

Governors Guard to morrow, Rangers.

Main Guard to-morrow to be furnished by Craven and New Hanover, under the command of Lt: Colonel Cogdell and Major M<sup>c</sup>Kellweane.

The Army halts to morrow, but to hold themselves in readiness to march on Wednesday.

After Orders,

A court martial to be held tomorrow morning for the tryal of all prisoners of the Army, Colonel Leech President.

Craven	{ One Captain One Subaltern	} Members.
Carteret	{ One Captain One Subaltern	
New Hanover	{ One Captain One Subaltern	

Returns to be given in tomorrow of the strength and condition of the several companies and of the arms and ammunition and camp necessarys agreeable to the forms delivered.

Hillsborough Camp Tuesday June 18<sup>th</sup> 1771.

Parole — Brunswick. Countersign — Lilliputt.

Field Officer of the Day — Colonel Ashe.

Piquett to night and Baggage Guard to morrow, Dobbs.

Grass Guard to night, Craven.

Governors Guard to morrow, Rangers.

The Main Guard to morrow to be furnished by Carteret and New Hanover, commanded by Colonel Leech.

Doctor Matthewson having taken charge of the Hospital on Saturday the 15<sup>th</sup> instant is appointed Steward of the same. To receive pay as such from the 15<sup>th</sup> instant.

The camp not to be left without one Officer to each company at least and the Field Officer of the Day and the officers commanding the main Guard to remain constantly in camp.

After Orders.

The Pioneers and Camp Colour men to march at 6 o'clock to morrow morning to open the woods near the place of execution.

The Sheriff will give his attendance.

The Grass Guard to be taken off to-morrow at 8 o'clock.

The army to be under arms to morrow morning at 11 o'clock and the whole to march to guard the State Prisoners to and at the Place

of Execution. Except the Quarter Guard and centinels in camp.  
The Troops to form and march in an Oblong Square.

The First Line to form the Right, and the 2<sup>d</sup> Line the Left Face.

The Corps of Artillery to form the front and rear faces.

The main Guard to march in the hollow of the square with the Prisoners.

The Light Horse to cover the outside of the Flanks to Prevent the mobs crowding on the men.

Hillsborough Camp June 19<sup>th</sup> 1771.

Parole — Chesterfield. Countersign — Hyde.

Field Officer of the Day — Colonel Thomson.

Piquett to night and Baggage Guard to morrow, Dobbs.

Grass Guard to night and Rear Guard to morrow, Dobbs.

Governors Guard to-morrow, Rangers.

Quarter Guard to-morrow, Onslow which is to take charge of all Prisoners, and the Main Guard then to be dismissed.

The army marches to-morrow.

The General to beat at 5, the Assembly at 8 and the troops to march off immediately after.

After Orders.

A Court Martial to be held at 9 o'clock to morrow morning for tryal of Prisoners in camp.

Colonel Hinton, President.

New Hanover	{	One Captain	}	Members
		One Subaltern		
Craven	{	One Captain	}	
		One Subaltern		

Stones Creek Camp Thursday June 20<sup>th</sup>.

Parole — Josiah. Countersign — Martin.

Field Officer of the Day — Colonel Bryant.

Piquett to night and Baggage Guard to morrow, Johnston.

Grass Guard to night and Rear Guard to-morrow, Dobbs.

Governors Guard to-morrow, Rangers.

Quarter Guard to-morrow, Wake.

The army marches to-morrow. The General to beat at 5, the assembly at 6, and the whole to march off immediately after.

June 21<sup>st</sup> 1771.

His Excellency the Governor took leave of the Army and departed for his Government to New York.

Camp No: E: and New Hope, June 21<sup>st</sup> 1771.

Parole — Craven. Countersign — New Bern.

Field Officers of the Day — Lt: Col<sup>o</sup> Cogdell & Major M<sup>o</sup>Kellweane.

Piquett tonight and Baggage Guard tomorrow, Craven.

Grass guard to-night and Rear guard to-morrow, New Hanover.

Quarter guard to-morrow, New Hanover.

The Army marches to-morrow, the General to beat at 5, Assembly at 6, and the whole to march off immediately after.

The Wake detachment to be discharged to-morrow.

Camp Hunters Quarter, June 22<sup>nd</sup> 1771.

Parole — Tryon. Countersign — Wake.

Field Officer of the Day, Colonel Caswell.

Piquett to-night and Baggage guard to-morrow, Dobbs.

Grass guard to-night and Rear guard to-morrow, Onslow.

Quarter guard to-morrow, Johnston.

The Army marches to-morrow. The General to beat at 5, Assembly at 6 and the whole to march off immediately after.

Camp Colonel Bryants June 23<sup>rd</sup> 1771.

Parole — Bath: Countersign — Beaufort.

Field Officer of the Day, Colonel Leech.

Piquett to-night and Baggage guard to-morrow, Craven.

Grass guard to-night, Dobbs.

Quarter guard to-morrow, Rangers.

The Army halts to-morrow.

All Officers and Soldiers that have exchanged their arms for those given in by the Regulators or have any horses in their possession are to deliver them to the Provost Marshal at the head of the Artillery at 6 o'clock to-morrow morning.

A Court Martial to be held for the tryal of all camp prisoners in the Quarter guard to-morrow at 8 o'clock in the morning.

Colonel Leech, President.

Craven	{ one Captain one Lieutenant	} Members.
New Hanover	{ one Captain one Ensign	
Carteret	{ one Lieutenant one Ensign	

Thus endeth the Orders.

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[B. P. R. O. N. CAROLINA. B. T. VOL. 17.]

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AT THE COURT OF ST JAMES'S the 1<sup>st</sup> day of May 1771.

Present.

The King's most Excellent Majesty in Council.

Whereas &c it is hereby ordered that the said Sir Nathaniel Duckenfield Baronet and Marmaduke Jones Esquire be constituted and appointed Members of his Majesty's said Council in North Carolina &c.

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AT THE COURT OF ST JAMES'S the 4<sup>th</sup> Day of May 1771.

Present.

The King's most Excellent Majesty in Council.

Whereas &c it is hereby ordered that the said Martin Howard and Samuel Cornell Esq<sup>r</sup> be constituted and appointed Members of his Majestys said Council for the Province of North Carolina in the room of the said Thomas Murray and Edward Brice Dobbs Esq<sup>r</sup>.

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[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF STATE.]

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#### GENERAL WADDELL'S ORDER BOOK.

Camp't at Yadkin River on 5<sup>th</sup> May 1771.

Parole — Duplin. Countersign — Derry.

The line of march to be formed as from Salisbury — Beginning with the detachment from Anson, and the detachment from Tryon will march in the Rear of the Artillery, Companys Waggons at the distance of thirty yards, no Person to fire either in camp or upon the march without leave from the Field Officer of the Day.

Field Officer of the Day — Colo: Spencer.

The Field Officer of the Day to see that the guards on the Flanks &c. are properly Posted, and to go the Rounds and Guard Rounds, the Captain of the Main Guard to go his Rounds, the companies of each detachment to be complete to 24 Rounds of Gun Powder and Bullets, Lead or Swan Shot at the discretion of the Captain of each company.



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At the Discretion of the Capt<sup>n</sup> Each Company Campt on Pott's Creek  
6<sup>th</sup> Day of May 1771.

Parole — Edinburgh. Countersign — Glasgow.

Field Officer for the Day — Colo: Harris.

The commanding officer of each detachment to examine the Arms daily when the men are Paraded. In case of an Alarm they are ordered to draw up on the square on which they are in camp and maintain their Posts with Resolution and Bravery, it is hoped that the cause in which we are embark'd will animate every [one] of us to do what our King and Country now expects from us, at so important a crisis.

The Rounds and Centries as yesterday.

Campt on Potts Creek 7<sup>th</sup> May 1771.

Parole — George. Countersign — Charlotte.

Field Officer of the Day — Colo: Neill.

Upon Alarm each of the lines will turn out a Platoon of 20 men, commanded by a Captain, who are to be in Readiness for Further Orders.

May the 8<sup>th</sup> 1771.

Parole — Newbern. Countersign — Brunswick.

A platoon of a Captain, Lieutenant 2 Sergeants 1 Corporal, 1 Drummer, and 20 private men to be immediately formed out of the lines, and ready for service in case of an attack. No noise to be made in the Encampment that orders may not be unnoticed.

Field Officer for the Day, Colo: Lindsay.

The Day we was Turned Back.

Parole — St. James. Countersign — Panola.

Field Officer for the Day — Colo: Schaw.

The lines &c. in case of an attack to form as yesterday. The Artillery to be in the greatest readiness. They are to go through the firings to day. The different detachments to be under arms at troops beating, and after turning out the guards to be instructed in the manual exercise.

May 12<sup>th</sup> 1771.

Field Officer for the Day — Colo: Lindsay.

Parole — Rowan. Countersign — ----

May 13<sup>th</sup> 1771.

Field Officer for the Day — Colo: Harris.

Parole — Bristol. Countersign — ----

Campt: 14<sup>th</sup> May 1771.

Parole — Edenton. Countersign — ----

Field Officer for the Day — Colo: Neill.

No officer to give leave to any soldier without the approbation of the Aid de Campt. Each line of the breastwork are to appoint a quarter guard to consist of an officer and 12 men from whence the centries are to be placed and regularly relieved, the guards be relieved at 8 o'clock in the morning during our stay in this encampment, as there has been a great deal of Ammunition expended by the Troops. firing at marks, the officer commanding each company to be answerable for the conduct of their men in this particular, as it is absolutely contrary to Order.

Encampment 15<sup>th</sup> May 1771.

Parole — Brunswick. Countersign — -----

No person to bring a horse within the breast work, A return to be made to Mr Wilson commissary of the stores to morrow at 8 o'clock of the gun powder, lead and other military stores. The commissary of provisions to make the aid de camp, a return of the flour, oxen, sheep and stores of provisions to morrow at 12 o'clock, a return to be made.

Rounds and Rounds who finds a centry sleeping on his post are to order the Quarter Guard to which he belongs to deliver him and have him confined, that he may be tryed by a court martial, the officers of each quarter guard to report to the Field Officer of the day the number sentries by day and number by night, with the prisoner confined in their respective guards and ----- during their guards and the Field Officer is to make a general report from the whole to the commanding officer as the Bullock Guard have been heretofore found by the Mecklenburg detachment, the Rowan detachment, are to find two centries upon their line to be regularly relieved from the quarter guard of the Rowan detachment, The clarkes of the different corps to wait upon Mr McDuffie, who will show them the form of a report of guard.

Encampment, 16<sup>th</sup> May 1771.

Field Officer of the Day, Colo. Harris.

Parole — Philadelphia. Countersign — ----

The Rounds, Guards &c. as usual.

Encampment, 17<sup>th</sup> May 1771.

Field Officer for the Day, Colo. Schaw.

Parole — Hampton. Countersign — ----

The centinels to be placed on the out side of the breast work to be regularly review<sup>d</sup> every two hours from the gates guards in the inner side the grounds.

[That any] officer or soldier should absent himself from the Incampment without leave from the aid de camp get the lines upon a turn out place [?] only show how little Regard has been paid to their orders. The Capt. of each company will tomorrow at 8 o'clock return the aid de camp a role of his company and if any man is absent when call<sup>d</sup> upon without leave from the aid de camp he shall forfeit his days pay and be liable to be try<sup>d</sup> for Disobedience to Orders..

The Rev<sup>d</sup> Mr Terry will give a Discourse at 5 o'clock this Evening when the Troops are Desired to attend under arms, in case of an Alarm the Bullock Guard are to immediately drive the cattle within the encampment.

18<sup>th</sup> May 1771.

Parole — Lewisburg.

Field Officer of the Day — Colo: Spencer.

19<sup>th</sup> May 1771.

Parole — Quebec.

Field Officer of the Day — Colo: Lindsay.

Tho' it has been given in Order that

To the General by the commanding officer of each detachment, of the officers and effective men of their respective detachments,

The commanding officers of each detachment to give an order and receipt to Mr Wilson, for the ammunition he shall draw for the use of his corps.

No person who is not enrolled in this service, to be admitted within the lines of Encampment, without leave of Field Officer of the day.

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Field Officer of the Day, Colo. Lindsay.

20<sup>th</sup> May 1771.

Parole — Charleston.

Field Officer for the Day, Colo. Neil.

At Revielle Beating, the Line are to turn out with their axes &c, and clear up the under wood, cut down the trees, and burn up the brush opposite their Lines for at Least 100 yds distance, at Retreat Beating every person who is not a soldier, waggoner horse driver and immediately under command shall turn out of the breast work to their Respective homes.

May 21<sup>st</sup> 1771.

Field Officer for the Day — Col<sup>o</sup> Harris.

Parole — Townsend.

At revielle beating the lines are to turn out and finish the breast-work and brush cutting. No fire to be kindled near the ammunition waggons, or the Ambresures where Artillery are to be placed. When any alarm or noise in the Encampment, the Lines are to turn out, and not quit their parade without orders. This is given as a caution, as upon the most trifling circumstances they crowd together and leave their breast-works exposed.

22<sup>nd</sup> May 1771.

Field Officer for the Day — Col<sup>o</sup> Schaw.

Parole — Boston. Countersign — -----

23<sup>rd</sup> May 1771.

Field Officer for the Day — Col<sup>o</sup> Spencer.

Parole — Richmond. Countersign — -----

Camp, 24<sup>th</sup> May 1771.

Parole — Jamaica. Countersign — Barbadoes.

Any Sutler or person bringing spirituous liquors into the camp and disposing thereof to soldiers without orders from the Capt. of the company to which such soldier or soldiers shall belong shall be tryed by a Court Martial for disobedience of orders. The officers are required to be particularly careful in carrying this command into execution.

Field Officer for the Day — Colo: Lindsay.

The commissarys to wait upon the Gen'l and show the manner of keeping the rations with the different returns made them. Any soldier who has not got his leggons, haver sack and bounty are to apply to the Captain of his comp. who is hereby ordered to furnish and pay the ball: of the same, it is the wish of the commanding officer that the soldiers may have no cause of complaint, and then it is expected duty and order will be strictly performed by them.

Camp 25<sup>th</sup> 1771.

Parole — Winchester. Countersign — Plimouth.

Field officer for the Day — Colo: Neill.

The troops to march at 12 o'clock to Salisbury. On their arrival there an officer to go round the town and order the inhabitants to deal or traffick with no Soldier for his arms, haversack, legings, shirt, clothes or wearing apparel, nor barter for any ammunition or other military stores. One Captain one Serg<sup>t</sup>, one Drum<sup>r</sup>, 30 men to mount guard at the Court House and be always in readiness to suppress any riot which may happen in the town, or take up any person diseffected to the government.

Salisbury 26<sup>th</sup> of May, 1771.

Parole — Georgia. Countersign — Augustine.

Field Officer for the Day — Colo: Harris.

A Captain and guard as yesterday. The commissaries to make a return to morrow at 12 o'clock of the waggons, with the quantity of flower, Indian meal, and bacon, also the number of cattle and sheep remaining. A general return to be made at 12 o'clock to morrow by the commanding officer of each detachment of the effective men sick and desèrters from his detachment.

Salisbury May 27<sup>th</sup> 1771.

Parole — Bladen. Countersign.

Field Officer for the Day, Colo. Schaw.

A Court Martial to sit at 12 o'clock today to try John Barry a Prisoner for Desertion, as he is of the Rowan Detachment the court to be composed of the officers of that corps.

28<sup>th</sup> May 1771.

Colo. Lindsay Present.

Parole — Heank. Countersign — Harvey.

Field Officer for the Day, Colo. Lindsay.

One Field Officer, one Capt., one Lieut., one Ensign, two Sergts., two Corp, one Drum, and sixty rank and file to mount as a main

guard tomorrow morning at 8 o'clock at the Court House and relieve the guard now on duty.

This guard are to take under their charge the Persons who have been taken by the Troops for regulations, and at their Peril to Deliver them to the guard by which they are delivered & make report.

Camp Mount Harris June the 11<sup>th</sup> 1771.

Parole — Letter cany. Countersign — Fanny.

Field Officer for the Day, Colo. Neil.

Line of march, the Mecklenburg march in front, then the baggage waggons, and the Tryons to bring up the rear, and as Colo. Harris, Officer of the Day, and march<sup>d</sup> in the front, as the Troop has not got a Lieutenant Colo., it is ordered that Colo. Harris bring up the rear, or turn in to his wagon as usual, and Colo. Neil to march in the front tomorrow.

Roster of the Troops Encamped, Tryon 6<sup>th</sup> May, 1771, in the command of General Waddell.

	Artillery Company.	Anson Detachment.	Rowan Detachment.	Mecklenburg Detachment.	Tryon Detachment.	In all.
Colonel-----	1	1	0	1	1	
Lieutenant Colonel-----	0	0	0	0	0	
Majors-----	0	0	0	0	0	
Captains-----	1	1	2	2	1	
Lieutenants-----	2	1	2	2	1	
Ensigns-----	0	1	2	2	1	
Clerks-----	1	1	2	2	1	
Staff Officers-----	0	0	0	0	0	
Adjutants-----	0	0	0	0	0	
Drummers-----	1	0	1	2	1	
Sergeants-----	0	2	4	4	2	
Rank and File-----	34	16	76	70	40	
Total-----	40	23	89	84	48	284

GENERAL WADDELL.

S. BROWN, his copy.

[REPRINTED FROM WILLIAMSON'S HISTORY OF NORTH CAROLINA.]

GENERAL WADDLE'S CAMP, POTT'S CREEK, 10<sup>th</sup> May 1771.

By a council of the officers of the western detachment considering the great superiority of the insurgents in number and the resolution of a great part of their own men not to fight it was resolved that they should retreat across the Yadkin.

W <sup>m</sup> . Lindsay	F. Ross	Saml. Spencer
Ad Alexander	Robt. Schaw	Robert Harris
Thos Neel	Griffith Rutherford	Saml. Snead
W <sup>m</sup> . Luckie		

May 11<sup>th</sup>. Captain Alexander made oath before Griffith Rutherford that he had passed along the lines of the Regulators in arms drawn up on ground he was acquainted with. The foot appeared to him to extend a quarter of a mile, seven or eight deep and the horse to extend one hundred and twenty yards twelve or fourteen deep.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—Ss.

By His Excellency William Tryon Esq<sup>re</sup> &c. &c.

A Proclamation.

Whereas, I have been informed that several ignorant persons have been under false pretences induced to join in Arms to oppose Government and the Laws of this country, — Therefore out of Humanity and in tender compassion to the distress that must fall on them and their Families should they through fear of punishment persist in their Errors, I hereby give notice that every person (except those who stand outlawed and such as are now prisoners in the camp who will come into camp, lay down their Arms, take the Oath of Allegiance and promise to pay all Taxes that are due or may hereafter become due by them respectively, and submit from this day to the Laws of this Country, shall have his Majesty's most gracious and free pardon for all Treasons, Insurrections and Rebellions done or

committed before this day, provided they make their submission aforesaid on or before the 21<sup>st</sup> Instant.

Given under my hand and the Great Seal of the said Province this 17<sup>th</sup> day of May Anno Dom: 1771.

W<sup>m</sup>. TRYON.

God save the King.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

GREAT ALAMANCE CAMP, 18<sup>th</sup> May, 1771.

I have the happiness to inform your Lordship that it has pleased God to bless his Majesty's arms in this province with a signal victory over the Regulators. The action began before twelve o'clock on Thursday the 16<sup>th</sup> instant five miles to the westward of Great Alamance River, on the road leading from Hillsborough to Salisbury. The loss of our army in killed wounded and missing amount to about sixty men. We had but one officer killed and one dangerously wounded. The action lasted two hours but after about half an hour the enemy took to tree fighting and much annoyed the men who stood at the guns, which obliged me to cease the artillery for a short time and advance the first line to force the rebels from their covering, this succeeded and we pursued them half a mile beyond their camp and took many of their horses and the little provision and ammunition they left behind them. This success I hope will lead soon to a perfect restoration of peace in this country, tho' had they succeeded nothing but desolation and ravage would have spread itself over the country, the Regulators having determined to cut off this army had they succeeded.

The inclosed declaration to the troops will testify to his Majesty the obligations I lay under to them for their steady resolute and spirited behaviour. Some royal mark of favor I trust will be extended to the loyalty that has been distinguished by his Majestys faithful subjects within this province.

A particular detail of this expedition I shall transmit to lay before his Majesty as soon as I have settled this country in peace, hoping that the advantages now gained over a set of desperate and cruel enemy may meet with his Majestys approbation and may finally



terminate in giving a stability to this constitution which it has hitherto been a stranger to.

The army under my command amounted, officers included, to upwards of eleven hundred, that of the rebels to two thousand.

The two field pieces from Gen<sup>l</sup> Gage was of infinite service to us.

I am &c.

P. S. Gen<sup>l</sup> Waddell with two hundred and fifty men was obliged on the 9<sup>th</sup> inst. about two miles to the eastward of the Yadkin, to retreat back to Salisbury, the Regulators surrounding his forces and threatening to cut them to pieces, if they offered to advance to join the army under my command.

I shall march tomorrow to the westward and in a week expect to join the General.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Supplies for Tryon's Army.

I do hereby require you to furnish for His Majestys Troops now marching under my Command Six Waggon Load of Flower from the People of your Society and also Six able Waggons and Teams with sufficient Drivers to attend the Troops with the said Flower. The Waggons and Teams will be returned when the service is over.

W<sup>m</sup>. TRYON.

By His Excellencys Command

JA<sup>s</sup>. EDWARDS, P. Sec.

To the People commonly called Quakers, living on Rocky River and Cane Creek and thereabouts in Orange County.

Royal Camp 20<sup>th</sup> May 1771.

John Pile is one of those people from whom this requisition is made and it will be very agreeable to the Governor that his Waggon and Team be one of the Six employed.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

A Proclamation.

Whereas the time limited in my Proclamation of the 17<sup>th</sup> Inst. for those to surrender themselves and deliver up their arms who have

stood out in rebellion is now expired, and whereas I am informed that many persons living at a great distance from camp who were concerned in the rebellion and are desirous of making their submission have not had timely notice of that act of Grace, I do therefore by and with the advice and consent of His Majesty's Council hereby extend the time limited in the aforesaid Proclamation to the 24<sup>th</sup> Instant, Inclusive and allow a pardon to all those who comply with the terms thereof on or before the 24<sup>th</sup> Inst. above mentioned, the prisoners and outlaws excepted.

Given under my Hand and the Great Seal of the said Province this 21<sup>st</sup> day of May A. Dom. 1771.

W<sup>m</sup>. TRYON.

God save the King.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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A Proclamation.

Whereas through the badness of the weather many persons who have stood out in Rebellion and live in remote parts have not been able to surrender themselves and deliver up their Arms agreeable to my Proclamations of the 17<sup>th</sup> and 21<sup>st</sup> Inst. I have thought fit by and with the advice and consent of His Majesty's Council to extend the time limited in the said Proclamations to the Thirtieth Instant inclusive and allow a Pardon to all those who shall comply with the Terms in my Proclamation of the seventeenth Instant — Outlaws and Prisoners excepted.

Given under my Hand and the Seal of the Province at Sandy Creek Camp this twenty fourth day of May A. Dom. 1771.

W<sup>m</sup>. TRYON.

God save the King.

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[B. P. R. O. B. T. NO. CAROLINA. VOL. 24. P. 180.]

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Royal order for running the South Carolina Boundary Line.

MAY 29<sup>th</sup> 1771.

Additional Instructions to our Trusted and Well-beloved Josiah Martin Esquire, Our Captain General and Governor in Chief in and over Our Province of North Carolina in America, Given.

Whereas We thought fit in consequence of Representations made to us, that great disputes had arisen, and much mischief and con-

fusion had ensued amongst our Subjects on the Frontiers of North Carolina and South Carolina for the want of a certain known Line of Jurisdiction between the said Provinces to direct by Our Royal Instructions to the Governors of Our said Provinces in the year 1763, that a Line should be run out in the manner therein prescribed; in consequence whereof a Line hath accordingly been run out and marked by Commissioners appointed for that purpose, as far as the Salisbury Road near the Catawba Lands; now it is our Will and Pleasure and you are hereby authorized and required to appoint Commissioners to proceed jointly with the Commissioners to be appointed by our Governor of South Carolina in continuing the Boundary Line for the said Salisbury Road where it now runs along the Road where it enters the Catawba Lands from thence along the Southern, Eastern and Northern Boundary of the said Lands to where the Catawba River enters the said Lands on the North, from thence to follow the middle Stream of that River northerly to the confluence of the northern and Southern Branches thereof and from thence due West, until it reaches the Line agreed upon with the Cherokee Indians, as a Boundary between their Country and the Settlements of our subjects; it is our further Will and Pleasure that the Line beginning at the Sea thirty miles distant from the Mouth of Cape Fear River on the South West thereof following the direction in which it hath been already run out and marked as far as the said Salisbury Road near the Catawba Lands and it is hereby directed to be continued from the Station-point on that road to the Cherokee Line in the manner above mentioned shall be the final Boundary between our said Provinces of North Carolina and South Carolina.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Letter from Wm. Johnston Esq to Richard Bennehan Esq.

HILLSB<sup>o</sup>. May 30<sup>th</sup> 1771.

DEAR SIR,

I rec<sup>d</sup> yours with the articles therein mentioned by Cuff for which I thank you. A few hours ago John Litteral arrived from the Camp, he says the Governor marched yesterday to meet Gen<sup>l</sup>. Waddell & is expected to join him tomorrow, after which His Excellency will proceed to this place with the Prisoners under a Strong Escort, in

order to take their Tryals, which imagine will happen the beginning of next week, he further says the Orange Detachment will probably be sent out on a scouting party into Rowan, & may not return to Town in less than a fortnight. The Chief Justice arrived last night, Col<sup>o</sup>. Henderson this morning, & M<sup>r</sup> Moore is expected tomorrow. I have filled your Bottle with Bitters and your Jug with wine both of which I wish safe to hand.

I am in great haste

D<sup>r</sup> S<sup>r</sup> Y<sup>r</sup> Ob<sup>t</sup> Serv<sup>t</sup>

W<sup>m</sup>. JOHNSTON.

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[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF State.]

#### A Proclamation.

Whereas, I am informed that many Persons who have been concerned in the late Rebellion are desirous of submitting themselves to Government, I do therefore give notice that every Person who will come in, either to mine or General Waddells Camp, lay down their Arms, take the Oath of Allegiance, and promise to pay all Taxes that are now due or may hereafter become due by them respectively, and submit to the Laws of this Country, shall have His Majestys most gracious and free pardon for all Treasons Insurrections and Rebellions done or committed on or before the 16<sup>th</sup> Inst., provided they make their submission aforesaid on or before the 10<sup>th</sup> of June next. The following Persons are however excepted from the Benefit of this Proclamation, Viz. All the Outlaws, the prisoners in Camp, and the undernamed persons, Samuel Jones, Joshua Teague, Samuel Waggoner, Simon Dunn, Jr., Abraham Creson, Benjamin Merrill, James Wilkerson, Sr., Edward Smith, John Bumpass, Joseph Boring, William Rankin, William Robeson, John Winkler and John Wilcox.

Given under my Hand and the Great Seal of the said Province, at Kaiway Camp this 31<sup>st</sup> May A. Dom. 1771.

W<sup>m</sup>. TRYON.

God save the King.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Supplies for Tryon's Army.

June 2 <sup>d</sup> 1771	Killed 4 Steers	-----	Wd	1106 lbs
	Do 1 Hogg	-----	Wd	113 "
				1219 lbs
				P <sup>r</sup> RICH <sup>d</sup> BLACKLEDGE, Jun <sup>r</sup>
June 3 <sup>d</sup> 1771	Killed 4 Steers	-----	Wd	1056 lbs
	Do 1 Hogg	-----	"	100 "
	Do 1 Calf	-----	"	62 "
				1218

P<sup>r</sup> RICH<sup>d</sup> BLACKLEDGE, Jun<sup>r</sup>.

June 1<sup>st</sup> Fork of Abbots Creek brought in 14 cw<sup>t</sup>. 1 q<sup>r</sup>. 2lb Flower;  
 Gabril Jones head of Abbots Creek brought in 3 Steers; Middle  
 Settlements of Abbots Creek brought in 2 Cows & 4 Steers, 5 of  
 which got away.

RICH<sup>d</sup> BLACKLEDGE.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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Letter from W<sup>m</sup>. Johnston to Mr Benehan.

HILLSB<sup>o</sup> June 7<sup>th</sup> 1771.

I intended to have shown myself at Little river yesterday, but by means of the Death of some of the Regulators & others of them absconding we are in danger of losing money, therefore found it necessary to dispatch S. T. yesterday, in order to secure some effects, & to morrow morning he must again take the path, & after all am affraid it will not answer any purpose. — The Governor is expected with the prisoners ab<sup>t</sup> Sunday or Monday & a part of the Troops, he joined Gen<sup>l</sup> Waddell some Days ago, near 2,000 of the Regulators have taken the great oath, a great number yet stands out, we hear many in Tom Dabbings quarter are as resolute and hardy as ever, but I hope a few Days will open their Eyes, we are also told that several of the Flat river people are in the same cue. — His Excellency has renew'd his Proclamation to the 10<sup>th</sup> Instant, in which he has excepted the outlaws, Prisoners in Custody and fifteen others that have not surrendered, amongst whom it is said W<sup>m</sup>. Rankin &

James Wilkinson are too, my little girl I hope is on the Recovery, the Bearer is urgent to be gone therefore must close my Epistle abruptly.

I am

D<sup>r</sup> S<sup>r</sup> Y<sup>rs</sup> most Sincerely

W<sup>m</sup>. JOHNSTON.

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[FROM THE BOSTON GAZETTE OF JULY, 1771, 849, 2, 1 & 2.]

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NEWBERN (NORTH CAROLINA) June 7.

Since our last, the Hon. Samuel Cornell, Esq., returned home from our Troops in Orange County, and brings a certain Account of the Regulators being entirely broken and dispersed, and that near 13 or 1400 of them have laid down their arms, taken the Oaths of Allegiance to his Majesty, and returned to their Habitations in Peace.

His Excellency the Governor, after the Battle, marched into the Plantations of Husband, Hunter, and several others of the outlawed Chiefs of the Regulators, and laid them waste; they having most of them escaped from the Battle, and are since fled. A reward of 1000 Acres of Land, and 100 Dollars, is offered by his Excellency for Husband, Hunter, Butler, and Rednap Howell, and several of the Regulators have been permitted to go in Quest of them, on leaving their Children Hostages.

The Lands of the outlawed Regulators are to be sold by the Sheriff of the County where they lie, agreeable to Act of Assembly; and many of them are of great Value, being perhaps the best Lands on this Continent, particularly Herman Husband's, who had growing on his Plantation about 50 Acres of as fine Wheat as perhaps ever grew, with Clover Meadow equal to any in the Northern Colonies; but infatuated, unhappy Man, about 400 head of horses, which were turned in on it by our Troops, in a few days left it without a Spear of Corn, Grass, or Herbage growing, and without a House or Fence standing! A melancholy Consideration, but made necessary by the Laws of War.

Thus has his Excellency the Governor, at the Head of a handful of Troops, compared to the Numbers of the Regulators, thro' the immediate Hand of Divine Providence, broke this dangerous and daring Conspiracy, that every day increased, and threatened to overwhelm this once flourishing Province in one Scene of horrid Confusion and lawless Fury! For who but the Almighty Ruler of

Heaven and Earth could guide the Balls from the Rifles of the Regulators to fly over the Heads of our Troops in the Day of Battle, as they did by ten Thousands; which otherwise, as they were at least five Times the Number of our Troops, must have cut them off by Hundreds, and left the Field a dismal Scene of Blood and Carnage.

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[B. P. R. O. NORTH CAROLINA B. T. VOL. 17.]

---

AT THE COURT OF S<sup>t</sup> JAMES'S, the 7<sup>th</sup> Day of June 1771.

Present

The Kings most Excellent Majesty in Council.

Whereas by the Commission under the Great Seal of Great Britain the Governor in Council and Assembly of his Majesty's Colony of North Carolina are authorized and empowered to make constitute and ordain Laws Statutes and Ordinances for the public Peace Welfare and Good Government of the said Colony which Laws Statutes and Ordinances are to be as near as conveniently may be agreeable to the Laws and Statutes of this Kingdom and are to be transmitted for his Majesty's Royal approbation or disallowance; and whereas in pursuance of the said powers two Acts were passed in the said Colony in December 1768, and transmitted intituled as follows, viz<sup>t</sup>,

1<sup>st</sup> An Act to encourage the importation of Brittish Copper Half pence and for making them a Tender for the payment of small Debts.

2<sup>nd</sup> An Act for declaring certain Lots in the Town of New Bern taken up by the Trustees for promoting the Public School in the said Town saved and improved according to Law and to empower the said Trustees to collect the subscriptions due to the said school; which acts together, His Majesty taking the same into consideration was pleased with the advice of his Privy Council to declare his disallowance of the said Acts, and pursuant to his Majesty's Royal pleasure thereupon expressed the said Acts are hereby disallowed Declared void and of none effect. Whereupon the Governor or Commander in Chief of his Majesty's said Colony of North Carolina for the time being and all others whom it may concern are to take notice and govern themselves accordingly.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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## NORTH CAROLINA

By His Excellency William Tryon Esq<sup>r</sup>, His Majesty's Captain  
General and Governor in Chief in and over the said Province—  
A Proclamation.

Whereas Herman Husband, James Hunter, Rednap Howell and William Butler are Outlawed and liable to be shot by any Person whatever, I do therefore, that they may be punished for the Traiterous and Rebellious Crimes they have committed, issue this my Proclamation hereby offering a Reward of One Hundred Pounds and one thousand acres of Land to any Person or Persons who will take Dead or alive and bring into mine or General Waddell's Camp either and each of the above named outlaws.

Given under my Hand and the great Seal of the said Province at Bathabara this ninth day of June in the year of our Lord 1771.

Signed W<sup>m</sup>. TRYON.

By His Excellency's command

J<sup>s</sup>. EDWARDS, P. Sec.

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[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

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## A Proclamation.

Whereas I am informed that many Persons who have been concerned in the late Rebellion are desirous of submitting themselves to Government, I do therefore give Notice that every Person who will come in either to mine or General Waddell's Camp, lay down their Arms, take the Oath of Allegiance and promise to pay all Taxes that are now due or may hereafter become due by them respectively and submit to the Laws of this Country shall have His Majestys most Gracious and Free Pardon for all Treasons, Insurrections and Rebellions done or committed on or before the Sixteenth of May last.

Provided they make their submission aforesaid on or before the Tenth of July next; the following Persons are however excepted . . from the Benefit of this Proclamation Viz, all the Outlaws, the



Prisoners, all those concerned in blowing up General Waddell's Ammunition in Mecklenburg County, and the under named Persons, to wit, Samuel Jones, Joshua Teague, Samuel Waggoner, Simon Dunn Jr, Abraham Creson, Benjamin Merrill, James Wilkerson Sen., Edward Smith, John Bumpass, Joseph Boring, William Rankin, William Robeson, John Winkler, John Wilcox, Jacob Felker and Thomas Person.

Given under my Hand and the Great Seal of the Province, this eleventh day of June A. Dom. 1771.

(Signed)

W<sup>m</sup> TRYON.

God save the King.

---

[FROM THE BOSTON GAZETTE OF 15<sup>th</sup> JULY, 1771, 849, 3, 1.]

TO WILLIAM TRYON GOVERNOR IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA.

The Address of the People called Quakers at their general or yearly Meeting for Worship, and transacting the Affairs of our Society, held on Rhode Island, for N. England by Adjournment from the 13<sup>th</sup> to the 17<sup>th</sup> Day of the Sixth Month 1771 inclusive.

Divers of us having heard of thy great Fame, since the King appointed Thee to the Chief seat of government in the province of North Carolina, how thou hast made justice and equity the rule of thy actions, and how thou hast inclined the hearts of the Representatives, of the good people there, to cause a magnificent Palace to be erected to support the dignity of a Governor, and the honor of the province, and to do many other things agreeable to Thee and how wondrously thou hast exerted thy self not only to punish, but destroy, all who dare complain of that despotic tyranny, and oppression, which our principles lead us to submit to, and our inclinations to promote, Finding ourselves moved by the spirit at this time, to follow the fashion of this part of the world, and to address those in high stations who are patrons of despotic power in themselves, and superiors, and of passive obedience, in all below them, and having addressed one of thy brethren remarkable for this character, think ourselves bound in justice, and impartiality, to acknowledge thy merits, though the same justice and impartiality require us to give the preference to him. Thou hast taken up the carnal weapon, and imbued thine

own hands in the blood of those who turned when trod on. He has had the art to with-hold his hands from touching the carnal weapon, while the business has been done without it, and the perpetrators of murder screen'd from the penalty of the law. He has more compleatly ruin'd the constitution of his government, (and there he was "born and educated too," which adds much to his merit) without putting them to the expence of raising an army, or himself to the hazard of being shot. It is true the King has been induced to send both a fleet and army there, to receive from their good Governor the surrender of their strong holds, and places of defence, and thoroughly to subjugate, and oblige his best subjects, (but represented to him as his worst) to submit to the tyranny before mentioned; but the expence of that is provided for another way, as is that of his good Governor's support; and after all this He has play'd his game dexterously enough to secure such a party as has procur'd him adulation and flattery from some of all ranks and persuasions, even from a few of the "ministers of the congregational churches," who should entertain sentiments of liberty to have restrain'd them, and also from our persuasion whose professed "simplicity, and godly sincerity," should abhor such a conduct, and who can have no motive to plead, but what may arise from the distant hope, that it may sometime hereafter be his interest to turn to our persuasion. Thy being appointed to the chief seat of Government in a neighboring province, is very agreeable and satisfactory to us. We earnestly desire that the two Governors we have thus distinguished, as they seem to be united in design, be united in affection, and answer fully the great purpose of their appointment; and among other things, protect in your several jurisdictions, our persuasion, in all their enthusiastic peculiarities; and especially secure to us the effects of that pretended liberty of conscience, which was really designed to lay the burden of our defence on our poor fellow-subjects, while we enjoy the fruits of peace in security.

With sincere love to Thee, we conclude, and remain thy assured Friends.

Signed in and on Behalf of our said yearly Meetings, by our Clerk.

[B. P. R. O. N<sup>o</sup> CAROLINA. B. T. VOL. 17.]

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL,

The Humble Petition of James Macdonald Merchant in Porterie in the Isle of Sky and Normand Macdonald of Slate in the said Island for themselves and on behalf of Hugh Macdonald Edmund Macqueen John Betton and Alexander Macqueen of Slate, The Reverend M<sup>r</sup> William Macqueen and Alexander Macdonald of the said Island of Sky and County of Inverness.

Most Humbly Sheweth

That your Petitioners having had in view to form a settlement to themselves and Families in your Majestys Province of North Carolina have for some time been making Dispositions for that purpose by engaging Servants and disposing of their effects in this Country.

And being now neady to embark and carry their intention into Execution,

They most humbly pray your Majesty will be graciously pleased to Grant unto your petitioners Forty thousand Acres of Land in the said province of North Carolina upon the Terms and Conditions it has been usual to give such Grants or as to your Majesty shall seem proper.

And your petitioners shall ever pray,

JA<sup>s</sup> MACDONALD,  
NORMAND MACDONALD.

[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF STATE.]

Supplies for Tryon's Army.

Invoice of 28 Barr<sup>ls</sup> of flour Rec<sup>d</sup> from Sandy Creek, Ready Fork & Haw River in Extreem Bad order & of four Sheep brought in by Gilbert Strayhorn, which was lost out of y<sup>e</sup> Pasture y<sup>e</sup> next night.

19<sup>th</sup> June 1771.

CAMP NEAR HILLSBOROUGH 10<sup>th</sup> June 1771.

Invoice Jn<sup>o</sup> Robinson, Inhabitants of Haw River, Simpsons Mill: 15 Head of Cattle, 4 cwt. 2 q<sup>rs</sup>. 5 lb<sup>s</sup>. Flour, 20 Bushels unsifted Indian Meal, 49½ Corn ----

----- 19<sup>th</sup> June.

Invoice Charles Crawford, Inhabitants of -----: 10 Head of Cattle, 12 H<sup>a</sup> do by Cha<sup>s</sup> Colwell, 60 Bushels sifted meal.

20<sup>th</sup> June 1771.

Invoice William Hosset, Cane Creek: 30 Barrels flour, also 33 Head of Cattle Branded with the Kings Brand.

Middle Settlement of Haw River: 4 Head of Cattle.

Sundrys delivered New Hanover Troops under Col<sup>o</sup>. Ashe— Viz<sup>t</sup>: 8 Barrels flour, supposed 16 cwt.

24<sup>th</sup> June 1771.

14 Head of Cattle -----

---

[B. P. R. O. B. T. NO. CAROLINA VOL. 24. P. 183.]

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To the Right Honble the Lords of the Committee of his Majesty's most Honble Privy Council for Plantation Affairs.

WHITEHALL 21<sup>st</sup> June 1771.

MY LORDS,

In obedience to His Majesty's Order in Council, dated June 14<sup>th</sup>, 1771, We have taken into consideration, the humble Petition of James Macdonald, Merchant in Porterie in the Isle of Sky and Normand Macdonald of Slate in the said Island for themselves and on behalf of Hugh Macdonald, Edmund Macqueen, John Belton and Alexander Macqueen of Slate the Reverend M<sup>r</sup> William Macqueen and Alexander Macdonald of the said Isle of Sky and County of Inverness, setting forth that the Petitioners having had in view to form a Settlement to themselves and their Families in His Majesty's province of North Carolina, have for some time been making dispositions for that purpose by engaging servants and disposing of their effects in this Country and being now ready to embark and carry their said intention into execution, the Petitioners humbly pray, that His Majesty will be pleased to grant them forty thousand Acres of Land in the said Province upon the terms and conditions it hath been usual to grant such Lands. Whereupon We beg leave to report to your Lordships,

That the emigration of the inhabitants of Great Britain and Ireland to the American Colonies is a circumstance which in our opinion cannot fail to lessen the strength and security and to prejudice the landed Interest and Manufactures of these Kingdoms and the great extent to which this emigration hath of late years prevailed renders it an object well deserving the serious attention of government.

Upon the ground of this opinion We have thought it necessary in Cases where we have recommended Grants of Land in America, to be made to persons of substance and ability in this Kingdom, to propose amongst other conditions, that they should be settled by foreign Protestants; and therefore We can on no account recommend to your Lordships to advise His Majesty to comply with the prayer of a Petition, founded on a resolution taken by a number of considerable persons to abandon their settlements in this Kingdom and to pass over into America, with their Families and Dependants in a large Body and which therefore holds out a Plan that we think, instead of meriting the Encouragement, ought rather to receive the discountenance of government.

We are My Lords &c.

HILLSBOROUGH,  
ED: ELIOT  
JOHN ROBERTS  
W<sup>m</sup>. FITZHERBERT.

---

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

---

About the burning of General Waddell's powder.

NORTH CAROLINA,        }  
Mecklenburg County } Ss.

The Deposition of James Ashmore of full age who being voluntarily sworn on the holy Evangelists of Almighty God voluntarily deposeth and saith that he this Deponent with a number of other persons was convened at Andrew Logan's old plantation in consequence of an advertisement (set up by one James M<sup>c</sup>Caul as it was said) when and where this Deponent was accosted by one James White Jun<sup>r</sup> to know whether this Deponent thought it any harm to burn the powder then carrying through the County aforesaid, to the army then under the Command of General Hugh Waddell, to which this deponent made answer that according to the Reports passing of the

Governor & his officers that he did not think the bare burning of the powder any Harm and that then this Deponent went Home & the Day following between the Hours of ten and eleven o'Clock in the forenoon this deponent quit work on his plantation and went to look for his Horses, when about three quarters of a mile from his House this Deponent was met by six men disguised in the Road, who in appearance resembled Indians, but after some time was distinctly spoke to by the aforementioned James White, who insisted on this deponent to go with them, who after some persuasion consented in part & then went Home with his Horses, & after returned with Joshua Hadley to a place about half a mile from this Deponent's House where were assembled with himself nine persons, to wit, James White Jun<sup>r</sup> John White Jun<sup>r</sup> William White Robert Caruthers Robert Davis Benjamin Cockran Joshua Hadley & William White son of the Widow White who all went thence disguised to Cap<sup>t</sup>. Phifers old muster Ground where they found & stopped the Waggon and enquired for the powder that was carrying to Gen<sup>l</sup>. Waddell when in the Waggon belonging to Col<sup>o</sup>. Alexander they found the powder & took it out of the Waggon broke open the Hogsheads & Kegs that contained the powder, & set the same on Fire & destroyed some blankets, leggins, kettles and other things, & then dispersed soon after, having at this Deponent first Joining of them sworn him to secrecy as they informed him they all were before, and further this Deponent sayeth not.

JAMES ASHMORE.

Taken sworn & subscribed before me this 22<sup>d</sup> June 1771.

THO<sup>s</sup>. POLK.

[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF STATE.]

### COUNCIL JOURNALS.

At a Council held in the Council Chamber in the Palace at New Bern on Saturday 29<sup>th</sup> June 1771.

Present

His Excellency the Governor

The Honble	{	James Hasell	Martin Howard	}	Esquires
		John Rutherford	and		
		Robert Palmer	Samuel Cornell		

The Gentlemen of the Council having taken into consideration Sir Nathaniel Duckenfields letter claiming precedency, desired that his letter and their answer thereto may be entered on the Council Journals, praying His Excellency would be pleased to transmit the same to be laid before His Majesty.

Order the said letter and answer be inserted accordingly, and are as follows :

DUCKENFIELD 14<sup>th</sup> March 1771.

SIR,

Since I had the pleasure of seeing you I have taken a little pains to consider the distinction you spoke to me about, and the rank which I am intitled to. I differ in opinion with your Excellency, and as it is a point undetermined with yourself, I dare say you will not be displeased at my communicating to you in so free a manner the reasons which occurred to me, and determined my opinion that next to your Excellency, I ought to be considered the first Person of Rank in the Province.

Your wanting to fix the Council here, because they compose the upper House of Assembly, upon the same footing with the Lords at Home cannot I think give them Rank superior to myself, for when you consider it you will find the Peers derive their Rank from their several Degrees, and not from their seats in the upper House of Parliament; for if it was from those seats only, that they had a right to Precedency the Roman Catholic Peers would not be intitled to any Rank, nor would the eldest sons of Dukes (for the same reason) precede the Earls, Viscounts and Barons, Your Excellency will further consider that Titles were created expressly to confer dignity and give distinction: and that the appointments of Councillors was for the ease of Governors, and the utility of Government in general, but not intended to convey or communicate rank. Your wishing to have the Council upon a respectable footing is certainly very right: 'tis proper they should be, but at the same time distinction should be given to those who are entitled to it. The custom of their always having been ranked next to your Excellency, cannot be urged as a reason for its being continued — The Reasons I have mentioned have weighed greatly with me, and when your Excellency has considered them, I hope they will have the same effect. Sir W<sup>m</sup>. Draper's reasons are likewise known to you, which he did not communicate to me. I followed your instructions in writing to some Friends at

home, immediately upon my return from New Bern, and hope by your recommendation and their interest to succeed. I hope to see you again before you leave the Province. Please to make my compliments to Mrs Tryon. I am, Sir

Your most ob<sup>t</sup> humble servant

(Signed)

NA<sup>1</sup> DUCKINFIELD.

SIR,

We return your Excellency our thanks for communicating to us Sir Nathaniel Duckinfield's letter, claiming precedency of the Council, and at the same time cannot forbear expressing our astonishment thereat: We need not take up any time in shewing that Baronets are only Commoners, and consequently enjoy no particular Privileges or Immunities. It will be sufficient to observe, that we are His Majesty's Council of State for this Province, and have a right by virtue of the Royal Instructions to succeed to the Administration, in case of the death or absence of the Governor or Lieutenant Governor, and therefore, of course no person in this Province can stand between the Governor and His Majesty's Council. We besides compose an upper House of Assembly, and the Governor with us constitute a Court of Chancery and a Court of Appeals, the highest judicatures, which of themselves are sufficient to establish the precedency never before disputed in this Province, and submitted to by Old Baronets, as Sir Richard Everard, whose education and good sense never suffered him to dispute so clear a point; add to this, that we have [been] informed that this matter was settled in a dispute of the same kind, and happened in Barbadoes at a Funeral above one hundred years ago, when it was determined by the Duke of Norfolk, Earl Marshall, in favour of the Council against the Baronets, and within these few years a certificate from Joseph Edmonson Esq<sup>r</sup>, Mowbray Herald, has not only given the Council rank immediately after the Governor, but has even given the Baronets rank only after the Associate Judges, so that we are at a loss to know from whence it is, this Baronet, can have taken it in his head to claim a Precedency so injurious to Government, and contrary to custom and authority. What remains for us at present is to declare that we cannot in Justice to ourselves and our successors, give up our right to the Precedency, being the only advantage we reap for our great expence and trouble in the discharge of our duty. Per-



mit us now Sir to acknowledge our obligation to your Excellency, for your support, which it will be always our endeavour to deserve.

We are with the highest regard Sir

Your Excellency's most obedient humble servants,

JAS. HASELL P. C.

JOHN RUTHERFORD,

LEWIS H. DEROSSET,

ROBERT PALMER,

SAMUEL CORNELL.

NEW BERN, June 29<sup>th</sup> 1771.

His Excellency informed the Board that Lieutenant Cotton of His Majesty's 31<sup>st</sup> Regiment of foot was arrived in Town from West Florida with his party on the recruiting service, and had made application for Quarters and Barracks, In consideration whereof His Excellency and Council appoints John Hawks Esq<sup>r</sup> to hire some uninhabited house that may be commodious for the said recruiting party, and to furnish and provide such victuals, utensils and necessaries as are directed by Act of Parliament.

At His Excellency's desire John Hawks Esq<sup>r</sup> architect and superintendant of the edifice and Offices erecting at New Bern for the residence of the Governor or Commander in Chief for the time being was ordered into Council and exhibited his accounts by which it appears that he has received from His Excellency for carrying on the said buildings fifteen thousand pounds proclamation money the sums granted by Act of Assembly, And that a Balance now remains in Mr Hawks hands of the sum of £140 14s. 3d. proclamation money, Which is to be expended on the said Buildings and an account rendered thereof to the Commander in Chief for the time being — That a state of the Accounts may be laid before the next General Assembly.

His Excellency acquainted the Board that he had received His Majesty's commands signified by the Earl of Hillsborough to repair to New York without loss of time to take upon him the Government of that Province. In conformity thereto he embarks tomorrow leaving His Majesty's Commission and Instructions together with the Great Seal with the Honble James Hasell, President of His Majesty's Council.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

NEWBERN 29<sup>th</sup> June 1771.

I have been honored with the receipt of your Lordships dispatches up to N° 36 inclusive and also with your circular letters of 15 & 15 November and 11 December 1770 and 22 January 1771.

The requisitions contained in these dispatches I have my Lord used my best endeavours to comply with, but being now commanded by his Majesty to repair without loss of time to the government of New York, I am constrained to leave such things as remain to be done to the discretion of Governor Martin, as I embark tomorrow for my new government.

I returned the 24<sup>th</sup> inst. from the westward leaving the troops on this side Hillsborough on their march to their respective counties. My dispatches relative to this successful expedition will be transmitted from New York.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to the Board of Trade.

NEWBERN the 29<sup>th</sup> June 1771.

MY LORDS,

I have been honored with your Lordships dispatch bearing date the 12<sup>th</sup> December 1770, and am no less sensible of the force of your obligations [objections?] to my conduct in a legislative capacity, than I am to your candor in so distinctly pointing them out to me, as well as the favorable light in which you view some of them, from the importance of their objects.

As I embark tomorrow for New York I shall leave it to Governor Martin to get (next Session of Assembly) the amendments made in the laws as recommended in your dispatch. I am, &c.

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

NEWBERN 30<sup>th</sup> June 1771.

MY LORD,

I have herewith the honor to transmit to your Lordship the minutes of his Majesty's Council of this province from the fifth of

April to the 30<sup>th</sup> instant, with a copy obtained of the Precedency from the *Heralds* Office, as it relates to the chain of precedence between S<sup>r</sup> Nat<sup>l</sup> Duckenfield, Bart, and his Majesty's Council.

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[JOURNALS. B. T. VOL. 79.]

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BOARD OF TRADE JOURNALS.

At a Meeting of His Maj. Comm<sup>rs</sup> for Trade & Plantations.

Wednesday January 30<sup>th</sup> 1771.

Present

M<sup>r</sup> Jenyns

M<sup>r</sup> Roberts

M<sup>r</sup> Fitzherbert

Lord Greville

[P. 14.]

The Earl of Hillsborough present.

Their Lordships took into consideration Draughts of General Instructions and of those relating to the observance of the laws of trade prepared pursuant to order for the Governors of New York Virginia & North Carolina & the said Draughts having been approved Representations to His Maj. thereupon were signed.

[P. 82.]

Thursday April 11<sup>th</sup> 1771.

Their Lordships took into consideration an order of the Lords of the Committee of Council for Plantation Affairs mentioned in the Minutes of 3<sup>d</sup> Jan<sup>y</sup> 1770 referring to this Board for their consideration and report copies & extracts of several letters and papers transmitted to the Earl of Hillsborough by the Governors of North & South Carolina touching the continuation of the Boundary lines between the said Colonies and their Lordships; also at the same time read and considered a Memorial of M<sup>r</sup> Garth Agent for the Province of South Carolina on that subject and agreed to take the said papers into further consideration tomorrow morning.

Ordered that the Secretary give notice thereof to the Agents of both Provinces and acquaint them the Board desire their attendance thereupon.

[P. 85.]

Friday April 12<sup>th</sup> 1771.

Their Lordships then took into consideration the papers relative to the Boundary line between South and North Carolina and the

agents for both Provinces attending were called in and both of them having acquainted the Board that they had nothing further to offer than what is contained in papers already before the Board they withdrew and it was ordered that the Draught of a Report to the Lords of the Committee of Council should be prepared — which was read and considered 19<sup>th</sup> April [p. 88] — and further considered approved and signed on April 21<sup>st</sup> [p. 91].

[P. 94.]

Friday April 26<sup>th</sup> 1771.

Their Lordships agreed to and signed Representations to His Maj. recommending Sir Nathaniel Duckenfield Bart and Marmaduke Jones Esq to be of the Council of North Carolina.

[P. 136.]

Wednesday May 29<sup>th</sup> 1771.

Read an Order of the Lords of the Committee for Plantation Affairs dated 25<sup>th</sup> May 1771 directing, that this Board do prepare and lay before them a Draught of additional Instructions to the Governors of North Carolina & South Carolina for the settling a final Boundary line between those Provinces conformable to the Report of this Board of the 24<sup>th</sup> April last — which having been prepared were approved and a Report to their Lordships thereupon was signed.

[P. 170.]

Wednesday June 19<sup>th</sup> 1771.

Read an order of His Majesty in Council on the 14<sup>th</sup> inst. referring to this Board for their consideration and report to the Lords of the Committee of Council thereupon a petition of sundry persons inhabitants of the Isle of Skye setting forth their having taken a resolution to embark with their families in order to settle in North Carolina and therefore praying a Grant of forty thousand acres of land.

Ordered that the said petition be taken into consideration tomorrow morning.

[P. 172.]

Thursday June 20<sup>th</sup> 1771.

The Earl of Hillsborough attends. [P. 177.] Their Lordships took into further consideration the Order of Reference of the petition of sundry persons inhabitants of the Isle of Skye praying for a grant of forty thousand acres of land in North Carolina and it was ordered that the draught of a Report thereupon should be prepared — which was signed 21<sup>st</sup> June.

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[FROM RECORDS ST. LUKE'S CHURCH, SALISBURY, N. C.]

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WHEREAS in the counties of Rowan, Orange, Mecklenburg and Tryon, situated in the province of North Carolina in America, are already settled near three thousand German protestant families, and being very fruitful in that healthy climate, are beside, vastly increasing by numbers of German protestants almost weekly arriving from Pennsylvania and other provinces of America; and having been hitherto without the means of grace, and being unable to maintain a learned and orthodox minister of their language and persuasion, whereby a great ignorance in the word of God and a melancholy dissoluteness of living has already prevailed, & will doubtless still more prevail,

In order that such an evil, which must provoke the Almighty God to anger and vengeance, may be effectually removed, near sixty German Lutheran protestant families have united themselves humbly to implore His Excellency TRYON, then Governor of the said province graciously to countenance, under the great seal of the province, that two of their members namely Christopher Layrle and Christopher Reintelmann are deputed by them humbly to beg of the protestant brethren and other friends to the Kingdom of Christ in England Holland Germany their benevolence and charity to enable them in supporting a learned and orthodox protestant minister, in order that the means of grace may be duly administered and the Kingdom of our blessed Lord Jesus Christ be likewise established and propagated among them.

His Excellency Governor Tryon has according to his known humanity countenanced their petition under the great seal of the province and referred the case to the Honorable Society for the propagation of the gospel in foreign parts, established in London; which society has likewise piously countenanced under their seal this undertaking as appears by the following copies.

A copy of his Excellency's recommendation.

NORTH CAROLINA.

BY HIS EXCELLENCY WILLIAM TRYON ESQUIRE HIS MAJESTY'S  
CAPTAIN GENERAL AND GOVERNOR IN CHIEF IN AND OVER  
THE SAID PROVINCE.

To all persons whom it may concern.

Whereas sixty German families of the Lutheran Church forming

a settlement on the second bank [creek?] in Rowan County in this Province request of me to countenance their procuring a Minister and Schoolmaster in their own Language in the manner expressed in their memorial annexed, and such their intention and proposal being certified as laudable by the Rev<sup>d</sup> Mr. Drage Rector of St. Luke's Parish in the said County, as well as in Consideration of the loyal and prudent behavior of the Inhabitants of the said settlement, I do by these Presents refer to the Bishop of London and to the Society for the propagation of the Gospel in foreign Parts the Consideration of the annexed Memorial, and recommend such charitable support as by them shall be thought necessary for carrying the said laudable purposes into Execution.

Given under my hand and the great seal of the said Province at Newbern the first day of February in the year of our Lord one thousand seven hundred and seventy one, and in the eleventh Year of his Majesty's reign.

W<sup>m</sup>. TRYON [Seal]

By his Excellency's Command

I. EDWARDS Priv. Sec.

Copy of the pious countenance of the Honorable Society for the propagation of the gospel in foreign parts.

At a General Meeting of the Society for Propagation of the Gospel in Foreign Parts held in Dean's Yard Westminster on Friday July 19<sup>th</sup> 1771, A Petition with a Testimonial thereunto annexed by his Excellency Governor Tryon From the German Settlers on Second Creek in Rowan County North Carolina having been laid before the Board

The Society did approve the pious & useful design therein contained, and declared that in case the proposed Subscription shall meet with success and such a sum shall be raised as shall afford a reasonable prospect of establishing a fund adequate to the permanent support of a Minister and Schoolmaster in the said settlement, They will contribute to such fund and give such encouragement thereto as corresponds with their ability and the Nature of their Institution.

By order of the Society

D. BURTON [Seal]

ABINGDON STREET, WESTM<sup>r</sup> July 19<sup>th</sup>, 1771.

Having under God's mercy and assistance succeeded so far, their deputies namely Christopher Layrle and Christopher Rantelman

have desired William Symondson Esq., Treasurer to the said Society for propagating the gospel in foreign parts, to receive the money which may be raised for this charitable purpose; the Rev<sup>d</sup> Dr Wachsel minister of the German Lutheran congregation in little Ayliffe street Goodman's fields and the Rev<sup>d</sup> Mr Burgmann minister of the German Lutheran congregation in the Savoy promise to assist them abroad with proper directions, and see that the money which may be collected be sent over and lodged with the said William Symondson Esq Treasurer to the aforesaid Society, whereof a satisfactory account will be published.\*

## 1

By His Majesty's most gracious orders,

At Hanover-----	300 dollars.
And at Osnabruck-----	100 dollars.

## 2

	£	s.	d.
The most Reverend and Honorable Frederick Lord Archbishop of Canterbury-----	5	5	0

## 3

Governor Tryon's	subscription-----	5	5	0
The Honorable Miss Tryon's	do-----	2	2	0
The Right Rev <sup>d</sup> the Lord Bishop of London-----	do-----	6	6	0
By an order of the Society for the Propagation of the Gospel in foreign parts-----	do-----	40	0	0
The Earl of Dartmouth-----	do-----	5	5	0
The Earl of Granville-----	do-----	5	5	0
Peter DeBlon-----	do-----	10	6	
J <sup>s</sup> W. Spencer-----	do-----	2	2	0
Philip Skene-----	do-----	1	1	0

## 13

Received by me, John Casper Velthusen, Chaplain of His Majesty's German Chapel at St James's Sep. 24<sup>th</sup> 1772, From Wurtemberg 75 florins which are paid to me by the Rev<sup>d</sup> Mr Ziegenhaden with-----

7 0 6

\*After this point the pages are numbered. Pages 4, 11 & 12 are blank, pages 5, 6, 7, 8, 9 & 10 have been torn out. — P. J. M. [Rector].

Sept. 27<sup>th</sup> 1772, By a public collection in German Chapel £ s. d.  
 at St James's..... 54 18 9½

From Hanover, besides a large quantity of Books, a  
 letter of exchange from the Rev<sup>d</sup> Dr Goetten *in which*  
*the most gracious Royal Gift of 300 dollars (mentioned*  
*pag. 1) is contained,*..... 103 14 0

This letter of 'change is assigned from M<sup>r</sup> Ritz at Hanover to M<sup>r</sup>  
 Clifford & comp. at London, has been accepted in its time, & shall  
 be payed January 20<sup>th</sup> 1773.

The next page is blank and unnumbered and the other pages  
 torn out. — P. J. M. [Rector].

[B. P. R. O. AMERICA & W. INDIES. VOL. 218.]

Letter from Earl Rochford to Governor Tryon.

WHITEHALL August 2<sup>d</sup> 1771.

SIR,

Your letter to Lord Hillsborough dated Great Alamance Camp  
 18<sup>th</sup> May 1771, in which you give an Account of an Action between  
 some Colony Forces under your command and a body of lawless  
 Insurgents stiling themselves Regulators has been received, and it  
 was my duty in Lord Hillsborough's Absence, who is gone to reside  
 in Ireland for a short time, to lay it before the King.

Lord Hillsborough has already signified to you the King's entire  
 Approbation of all the Steps which have led to the very signal  
 Advantage which has been gained; and His Majesty sees with the  
 greatest satisfaction that the success on the 16<sup>th</sup> May has so fully  
 answered the just expectations which were entertained from the  
 wisdom and spirit of the measures pursued by you for crushing in  
 their Infancy the dangerous and desperate Designs of those lawless  
 disturbers of the public Peace.

The Loyalty and Zeal shewn by all Ranks of well disposed per-  
 sons in the Province to support you on that Occasion cannot fail of  
 recommending them to His Majesty's Favor; and it is the King's  
 Pleasure that you should, either in public Orders to be given out to  
 the Troops who were in the Field on the 16<sup>th</sup> May, or in such other  
 manner as you shall think most advisable, express to them His  
 Majesty's thanks for their conduct and bravery on that day, by  
 which they have gained so great honour and have been the means



under God of preventing that desolation and ravage which you say would have spread itself over the country if the Regulators had succeeded in their designs.

I join with you in hoping that what has happened will have the effect to procure a perfect restoration of Peace in the Colony; and as I perceive by accounts which have been received through different channels that a very considerable number of the Insurgents have laid down their Arms and submitted to Government I trust this event will lay the foundation for such measures of lenity and Moderation as may convince these misguided and deluded people of the error of their conduct and of the necessity of a proper submission to Law and the Constitution.

I am &c<sup>a</sup>

ROCHFORD.

[FROM THE COURT RECORDS OF ROWAN COUNTY.]

NORTH CAROLINA }  
Rowan County } Inferior Court, August Term 1771.

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Rob<sup>t</sup> Wood who was committed to gaol heretofore by three justices of this County for having refused to take the Oaths of Allegiance and Oaths of Government when tendered, to him in the time of the late Rebellion,

The said Robert being brought into open Court on motion of Mr Dunn Attorney for the Crown, then the Oaths were read to him which he Absolutely Refused to take, it is therefore ordered that he be remanded to jail Back again and there to remain until the next Superior Court for further proceedings to be had against him.

[FROM TRYON'S LETTER BOOK.]

Return of the killed, wounded and missing of his Majesty's forces on the 16<sup>th</sup> of may at the battle of Alamance:

Killed or died of the wounds.....	9
Wounded .....	61
Missing .....	none

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

FORT GEORGE, NEW YORK, 14<sup>th</sup> Dec. 1771.

MY LORD,

Being furnished through the good offices of Governor Martin with the return of the strength of the forces under my command six days after the battle of Alamance (which I left behind in North Carolina), I have the honor now to transmit the same to your Lordship, with the names of the six persons whose execution I suspended during his Majestys pleasure, at the particular solicitation of the officers of the army, having been convicted of high treasons, at Hillsborough Superior Court in June last, Viz., James Stewart, James Emmerson, William Brown, Forester Mercer, James Copeland and Harmon Cox. I am therefore to repeat my earnest request to your Lordship to obtain his Majesty's free pardon for those unhappy and penitent men.

The troops under General Waddell (raised from the western counties) and who did not join me till the Kings birthday, amounting to upwards of four hundred men, are not included in the return herewith transmitted.

I have the honor to be with all possible respect,

My Lord,

Your Lordships &c, &c.

P. S. This letter, my Lord, is numbered 79, being considered as part of the North Carolina correspondence.

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[FROM THE BOSTON GAZETTE OF 12<sup>th</sup> AUGUST 1771, 853, 2. 3.]

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Extract of a letter from a gentleman in North-Carolina to his correspondent in this city, dated July 3<sup>d</sup> 1771.

"I wrote you some time past by Capt. Dyra, and mentioned your friend being in confinement at Hillsborough, to have his tryal at the Court of Oyer & Terminer, held there, (to which place, being 80 miles distant from his home he was dragged; his desk broken open, and papers all taken out) but upon inquiry it was found there

would not be sufficient cause to indict him, nor admit him to pass an examination (the court being then open) or give bail for his appearance at any future one, but ordered him down to Wilmington in custody of the detachment that was returning home, and yesterday he gave security for his appearance to the next Superior Court, and set out for his family at Cross Creeks.

“Never was there a poor man so tyrannically treated: the accusation, or suspicion, was founded on the most trifling circumstances: The affidavit against him, in the opinion of almost every person that has heard it, is false. Yet such has been the effects of malice, or despotism, the Inquisition itself could scarcely persecute a man with more severity. During his confinement (under guard in irons) at Hillsborough, there were six men hanged, and six more condemned who were reprieved under the gallows: He was paraded under guard to the gallows, and from there back again, like the criminals, only not tied: He was three weeks kept in confinement and harrassed in this manner, notwithstanding indisputable security was offered for him, and then hurried down 200 miles more to Wilmington, to be delivered to a magistrate, and none else allowed to take his recognizance.”

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Extract of a letter from a person in Carolina to his friend in Pennsylvania, dated May 17<sup>th</sup>, 1771.

“I am sorry I have to inform you that our country and the Governor have come to open war. The justness of the cause on the side of the country, during a contest for a year or two past, has gained them such a majority of the inhabitants all over this province, that it was in vain the Governor and Officers tried to raise the militia before the last sitting of our Assembly, when a law passed under the title of a Riot Act, whereby they say the Governor is invested with as arbitrary power as the King of France. However that may be, it is a fact, he collected out of the meaner sort, an army of 1,500 or 2,000 men, by way of enlisting for bounty money and high wages; and promise of an equal share of plunder. With which army he is passing through the country, destroying houses, fields of wheat, corn and orchards, and taking from the inhabitants all manner of provisions. This usage (unheard of in America before) suddenly raised the country, who first surrounded a party of about 4 or 500, commanded by Col. Waddle and prevailed on him to retreat, convincing him and his Officers there was no occasion for such hostile proceedings. And a few days after met the Gov-

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error, hoping to prevail with him in the same manner. But he soon fired on them in a treacherous manner with cannon and small arms, in less than 15 minutes after they had his promise of an hour to consider of his terms. The country who had not the least order or discipline, for every man had ran together, as it were, to quench devouring flames, the most part without arms or ammunition, fled at the first fire. About 300 stood and returned the fire for three quarters of an hour, in which time the Governor struck his colours twice, hoisted a white flag, and beat a parley; but the country, being quite ignorant of any signals or terms of war, kept a constant firing, as long as their ammunition lasted, and then left the ground. There was seven killed on the spot, and two fell after running some distance: Eight more are since dead of their wounds, and two or three are not yet out of danger. The number of slain on the Governor's side is uncertain, as he keeps it, as much as possible a secret; but by the best accounts, it amounted to 57 on the spot, with a proportionate number of wounded. The Governor took 20 or 30 prisoners, one of whom he hanged the next day. The slain on the side of the country lay unburied, except two, who were stolen away by their families. The Governor makes all the advantage he can of this affair, and it is supposed, aims to have all their lands forfeited. The consequence of this affair is yet unknown; numbers are coming in and submitting to certain terms, &c. Others are standing out and collecting in bodies; and it is thought that most of the inhabitants will leave this province, before they will live under the intolerable oppression and slavery that naturally must attend a conquest made by men of such principles.

"There never was a people abused by authority more than this country has been, which would be too tedious to relate in a letter, but in a very short way. The main substance of the difference was in the Sheriffs\* in most of the counties not having settled their accounts for 8 or 10 years past; nor the Treasurers having settled accompts with the Public for upwards of 20 years past: So that by computation, they were on the whole 80 or 100,000 pounds behind. The honest Party in the administration appeared to the country too weak to bring these overgrown members to an account; therefore to strengthen their hands, a great part of the country stopped

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\*Sheriffs in North Carolina collect the provincial and county taxes, and other public dues.

payment of any taxes, but what were agreeable to law, and this of consequence could not be known, until these public accmpts were settled.

Next to this, the Officers had extorted unlawful fees in an unreasonable manner; and when the country prosecuted them, could get no redress or any kind of fair tryal; but, contrarily, the prosecutors were likely to be ruined by suits commenced against them by Officers for damages, scandal, &c., and by the means of packed juries, composed of the Officers themselves, who were indicted, and liable to indictments, so that a general Court Writ against ever so innocent a man, became as dangerous and dreadful as a pistol clapt to his breast by a robber, for nothing would satisfy but the surrender of all you possessed; this caused riots, tumults, &c. In the assembly it was proposed to send a committee of enquiry into the counties where these tumults happened, but it was strenuously opposed by the court party, and put aside; But in a private conference, amongst the members, Mr. Knox and Mr. Lewis were appointed, and they rode up to the next General Court to be held in Rowan County for the district of Salisbury, when the whole body of Officers of that district, (conscious of their guilt and convinced of the upright and good intentions of the country,) came to an amicable and firm agreement, under hand and seal, to refund all they had extorted and taken contrary to law, which was to be divided by arbitrators, unanimously chosen by either side; both officers and people were heartily sincere in this agreement; but the Governor and Officers, in the five other districts of the Province, resented it in the highest degree, and immediately entered into an association to prevent its taking place, by rushing up into the settlements of the Insurgents, as they call them, with an armed force, and restoring peace on constitutional principals, as the Governor termed it in a letter to Col. Frohawk, wherein he told him, he should answer for entering into that agreement at the tribunal of his country. It is matter of fact, that the Officers of this district were inclined to comply, and make the country restitution, above a year before this, but were deterred by the Officers of the other five districts: no doubt but from a fear they must come to do the same justice.

“Husband, who was a principal man in prosecuting every lawful method for justice and redress, has been accused as principal in acts of riots, &c.; he has been made a prisoner and stood trials three times on that account, and cleared each time by proclamation. The

court party, despairing of finding him guilty in the ordinary course of proceedings, and according to the English laws, makes a particular law for that purpose, to continue one year; by which law, without any precept or his knowledge, and unheard, finds a bill against him for riot, assault, &c., for which they came with the aforesaid army, and destroyed his house, plantation and goods; from which, I suppose, it is to be granted now, that he is guilty in the eye of that particular law, though he is really clear, and quite innocent of the charge. Many others, as well as he, have shared the same fate; some 40 miles distant from the place at the time the crimes laid to their charge were committed."

If the foregoing Letter contains the Truth of Facts, what a Pity it is that Benevolus in his Harrangue in the *Massachusetts Gazette* last Thursday, has been so impolitic as to couple Tryon and H-----n or rather that his glorious Triumvirate should consist of Bernard, H-----n and Tryon.

By accounts from North-Carolina we are informed, that Captain Benjamin Merrill, who was lately executed for high Treason in opposing the Career of Governor Tryon, died in the most heroic Manner, his Children being around him and animating him at the Place of his Execution. He declared that he died in Peace with his Maker, and in the Cause of his oppressed Countrymen; and that he would not exchange Conditions with even the Governor himself.

Governor Tryon has been addressed in New York, with all the expressions of Court Sincerity.

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[FROM THE BOSTON GAZETTE OF 22<sup>d</sup> JULY, 1771, 850, 2, 3.]

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The accounts we have had from North Carolina give us abundant reason to think that the people in that province have been intolerably oppressed; and the government instead of duly attending to their repeated complaints, and redressing their grievances, have encouraged numbers to enlist as soldiers, and under the command of their late humane Governor, to stain their fields with blood. Nothing can equal the rancor of some of their writers in working up accounts of this tragical affair, to amuse mankind. Mr. Her-

man Husband, who from the accounts we have had of him, was a man of good reputation and fortune, and against whom the most inveterate slander has yet uttered nothing but that he was conspicuous in endeavoring, tho' in vain, "to obtain justice in their courts of law, for his poor oppressed brethren," is stigmatiz'd as the CATALINE of that province; and as if designed to tantalize those miserable people, after their defeat, for having before failed in their incessant endeavors to get justice done in a lawful way, they are insultingly told, in one of their public papers, that "Alamance," the place where the tragedy under the sanction of authority was enacted, "is made their Court of Record!" If the Governor and his party was in reality the faction, which is believed by many, — if the "artful and designing men who impiously attempted," by trampling upon the liberties, and plundering the property of the poor people, "to subvert the constitution of the province," were men who held places of authority, which is also believed; it is not at all strange to see the battle of Alamance so celebrated by the son of a Scotch priest, and the bravery of Tryon extolled beyond that of a Scipio or a Wolfe. The world has found by universal experience, that men in power are never without flatterers, who set their most infamous actions in a false glare; and flattery is always great in proportion as its patrons are bad. Of this we have been so fully convinced in these unhappy times, that we believe that every sensible American will suspend his censures of our unfortunate fellow-subjects in the back parts of North Carolina, till we can have a more circumstantial account of them than any which the advocates for Governor Tryon have yet given us.

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The following is a copy of a Petition presented by the inhabitants of Orange County, in North Carolina, to Governor Tryon, just before the battle began; it appears to be written with plain good sense, and shows that the whole of their desire was, that the Governor would condescend to hear their former petitions and redress their grievances.

TO HIS EXCELLENCY WILLIAM TRYON, ESQ: HIS MAJESTY'S GOVERNOR IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA.  
The Petition of us the Inhabitants of Orange County, Humbly Sheweth,

First, That we have often been informed of late, that your Excellency is determined not to lend a kind Ear to the just Complaints

of the People in Regard to having roguish Officers discarded, and others more honest propagated in their Stead; and Sheriffs and other Officers in Power, who have abused the Trust reposed in them, to be brought to a clear, candid, and impartial Account for their past Conduct, and other Grievances of the like Nature, we have long laboured under without any apparent Hopes of Redress.

Secondly, That your Excellency is determined on taking the Lives of many of the Inhabitants of this County, and others adjacent to it; which persons being nominated in the Advertisement, we know them to be Men of the most remarkable honest Characters of any in our Country. These aspersions, tho' daily confirmed to us, yet scarcely gains Credit with the more polite among us; still, being so often confirmed, we cannot help having some small Jealousies abounding among us. In order therefore to remove them, we would heartily implore your Excellency, that of your clemency you would so far indulge us as to let us know, (by a kind Answer to this Petition) whether your Excellency will lend an impartial Ear to our Petitions or no; which if we can be assured of, we will with Joy embrace so favourable an opportunity of laying them before your Excellency, with a full Detail of all our Grievances, and remain in full Hopes and Confidence of being redressed by your Excellency in each and every of them, as far as lies in your power; which happy change would yield such Alacrity, and promulgate such Harmony in poor pensive North Carolina, that the sad presaged Tragedy of the warlike Troops marching with Ardour to meet each other, may, by the happy Conduct of our Leaders on each side be prevented. The Interest of a whole Province, and the Lives of his Majesty's Subjects, are not Toys, or Matters to be trifled with. Many of our common people are mightily infatuated with the horrid Alarms we have heard; but we still hope they have been wrongly represented. The chief purport of this small Petition, being to know whether your Excellency will hear our Petition or no: We hope for a speedy and candid answer. In the mean Time, your humble Petitioners shall remain in full Hopes & Confidence of having a kind Answer. As in Duty bound shall ever pray, &c.

Signed in Behalf of the Country,

JOHN WILLIAMS,  
SAMUEL LOW,  
JAMES WILSON,  
JOSEPH SCOTT,  
SAMUEL CLARK.



To this reasonable Petition the Governor sent the following Answer.

TO THE PEOPLE NOW ASSEMBLED IN ARMS, WHO STYLE THEMSELVES  
REGULATORS

In answer to your Petition, I am to acquaint you that I have ever been attentive to the true interest of this Country, and to that of every Individual residing within it; lament the fatal necessity to which you have reduced me, by withdrawing yourselves from the Mercy of the Crown and the Laws of your Country, to require you who are assembled as Regulators, to lay down your Arms, surrender up the outlawed Ringleaders, and submit yourselves to the Laws of your Country, and then rest on the lenity and mercy of Government: By accepting Terms in one Hour from the delivery of this Dispatch you will prevent effusion of Blood, as you are at this Time in a state of War and Rebellion against your King, your Country, and your Laws.

It is observable that the Governor does not vouchsafe, even at so critical a time, when the effusion of Blood might have been prevented, and the honor of the government saved by it, to give them the least encouragement, that he would hear their petitions or redress their grievances; but on the contrary, if the following article from the Philadelphia Papers may be credited, he fired upon them with his artillery in breach of his own Terms:

Extract of a Letter from the back parts of North Carolina, May 26.

"If Governor Tryon had been as fond of checking the officers of government for their unheard of oppressions to the poor back inhabitants, as he was of shooting these unhappy people, Carolina would not now have felt the horrors of her children murdering one another. He pretended to give the oppressed people two hours to consider, whether they would fight or surrender, but as soon as their chief men got into a consultation, he began with a dreadful fire on them, from his artillery, with grape-shot, which did great execution."

The Supreme Court of Oyer and Terminer, for the Tryal of the Regulators in the Back Country, began at Hillsborough the 30th of May, and continued to the 20th of this Instant June; during which, Twelve were tryed, and condemned for High Treason. The Governor was pleased to suspend the Execution of Six, till his Maj-

esty's Pleasure be known; the other Six were executed on Wednesday the 19th Inst. at Hillsborough. Among these last, the most distinguished was Benjamin Merrill, who had been a Captain of Militia in Rowan County.

'When the Chief Justice passed Sentence, he concluded in the following manner:

"I must now close my afflicting Duty, by pronouncing upon you the awful Sentence of the Law; which is, that you Benjamin Merrill, be carried to the Place from whence you came, that you be drawn from thence to the Place of Execution, where you are to be hanged by the Neck; that you be cut down while yet alive, that your Bowels be taken out and burnt before your Face, that your Head be cut off, your Body divided into Four Quarters, and this to be at his Majesty's Disposal; and the Lord have Mercy on your Soul."

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[FROM THE BOSTON GAZETTE OF 21<sup>st</sup> OCTOBER, 1771, 863.]

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[From the Pennsylvania Journal of October 3.]

MESSRS. BRADFORDS,

The following letter came to hand but a few days ago. Though of an old date it contains more particulars than I have yet seen published, therefore hoping the public will receive it through the channel of your paper, I remain

Yours, &c.

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Extract of a letter dated July 24, 1771, from a gentleman in North-Carolina to his friend in New Jersey, respecting the Regulators in Carolina.

"The first cause of the people's uneasiness was from a mistrust that the Clerks, Sheriffs and Lawyers exacted more fees than the law entitled them to, as they sometimes would demand three or four double what was their due, just as they met with men of resolution to deal with. The Sheriffs being the Collectors of the public taxes, it became their duty by law to call on every taxable for his tax, and if he should call a second time then to destrain, for which destraint the law allowed the Sheriffs 2s. 4d., but they by their extortion had made it customary to charge 2s. 4d. for every visit; so that the man who paid his tax, on being asked for it, paid also 2s. 4d. costs therewith. Again, every couple that go to be married by licenses, which

they are obliged to have, must pay by the law 25s. for them; yet, contrary thereto, no person could obtain licenses from the Clerks under 30s. Again, at the conclusion of the last war a large sum of paper money was struck, to pay off the expenses thereof, which sum was to be sunk by a tax of 4s. per poll, in the term of the years the money was struck for, which tax of 4s. has been continued ever since, notwithstanding the great increase of inhabitants, which caused a suspicion that the officers pocketed the whole of the 4s. tax raised on the new settlers. Again, a few years ago the Treasurer of the province died, and in his house was found a large sum of money, several thousand pounds, indorsed the Public Money, which was all the satisfaction given the Public in respect to that Treasurer's accounts, notwithstanding which the tax continued, and no account being rendered to the people, gave great uneasiness. These, and numberless other instances of the like kind, caused the inhabitants of Rowan, Orange, Anson, and Mecklenburg counties, to send circular letters about four years ago from one to the other, setting forth their grievances, and forming schemes to have the same redressed, on which they unanimously petitioned the Governor and Assembly for to redress their grievances; on receipt of which the Governor gave orders, that all officers who had taken more or larger fees than the law allowed them, should be punished according to law; this pleased the people, and encouraged them to apply to the Justices of the Peace for warrants against their oppressors, knowing of no other mode whereby to recover the monies they had unjustly paid, &c., but the Justices refused to grant them, on which complaints were made to the Grand Juries to find bills against the offenders, but the Juries being carefully made up out of the old Sheriffs' Bums, and other Court Officers, no bills scarcely could be found against the offenders, and where a chance bill was found, the highest fine laid on them was only Six-pence: But on the other hand, if any of the complainants happened to be indicted, be the offence never so trifling, their fines was seldom or never less than £100, which has in fact been the case: Being thus beat they were laughed at, and called fools and asses, &c, &c. Then some of the inhabitants of Orange county met, and concluded that they would pay no more public taxes till a full state of their public accounts was published and a fair settlement made, and under that conclusion bound themselves by an oath to stand by and support each other in this their resolution, as it was clearly their opinion that

the Public had more money in bank than would pay all their public dues, &c, which resolution was soon adhered to by the other counties. Things then began to be in great confusion; the people refusing to pay caused the Sheriffs to execute, on which a mob would rise, whip the Sheriff, and any other that supported him; after which they frequently petitioned the Governor to interpose in the matter, and cause a fair settlement to be made, to which he turned a deaf ear; this so enraged the people that they stopped several Courts from doing business, by raising into mobs and ordering the Judges not to sit. However, before any Courts were disturbed the Governor raised a large army of men, at the request of one Fanning, Clerk to several of the Courts in the Province, and an Attorney at Law, and stands charged with being the principal oppressor of the poor people, which armed force cost the Province £18,000. These preparations caused the people to take arms; however they never carried their arms into the towns. Great numbers of them went with a petition to the Governor for the purpose aforesaid, on which the Governor told them that if they would bring in their arms, & deliver up such men as he should name to be put to death, that they should then have a settlement on such terms as he should think proper; which offer was refused by the people, and they returned to their habitations, and the Governor disbanded his men. After this another trial for redress in the law ways was made in Orange county, in which they were as unsuccessful as heretofore, which caused a resolution that there should be no Courts held till a settlement, or until their grievances were redressed; whereupon at the General Court at Hillsborough town, in Orange county, a mob came in armed with rawhide whips, and went to the Judge and King's Attorney, who they desired to go home, and guarded them safe to their houses, telling them that they should suffer no damage, and that they might hold Court next day, &c. Their next step was to take the aforesaid Fanning and some other Lawyers out of the Court-house, to whom they gave cow-hide correction very severely; they then went to Fanning's house, which they levelled with the ground, and destroyed the furniture, doing damage to the amount of £1,500; after which they offered Fanning to repair his house and make good all his damage, if he would repay the money he had unjustly taken from them: To which he answered, that he only wanted revenge & revenge he would have &c. After this the General Assembly of the Province was called, and an election ensued, at which Herman Husband and Thomas Parsons

were chosen by the country party as Members of the House; their enemy, Fanning, was also chosen. When the House met their first step was to expell Husband and Parsons from their seats; Husband they sent to gaol; Parsons, home; They then passed a Riot Act, the substance of which was, That any person or persons, being guilty of any riot, either before or after the publication of this Act, within the jurisdiction of any Court within this province, shall and may be indicted, and when so indicted shall appear & stand trial before the expiration of sixty days; and in case he, she or they do not appear, noticed or not noticed, within the term aforesaid, they shall and are hereby declared to be out-lawed, and shall suffer Death without Benefit of Clergy, &c. and his lands, goods and chattles confiscated and sold at the end of eight days. The publication of this act, together with the account of Husband being in gaol, set the whole country in an uproar, and a great number of men collected and went in a body to take Husband out of gaol, on hearing of which a Court was immediately called, Husband tried, proclaimed an honest man & set at liberty; when he met the people they returned every man to his home. Thus matters lay till March last, at which time the Court was to set at Salisbury, in Rowan county; four or five hundred men collected and armed, marched within two miles of the town, where they halted, and sent a small party into town for Mr. Frohock (Clerk of the Court, Surveyor and Secretary of the Land Office) and some others of the chief men; at which request Frohock and two others went out, on which the people desired them as officers to settle with the inhabitants, and if they had exacted more fees than by law was their due, to return the same to the persons from whom they were exacted: To which Frohock answered, that he well knew the country had suffered much by such oppressive dealings, and that he himself had in some cases taken too much fees, and did then return some fees, &c. on which an agreement was made and bonds entered into, to submit their dispute to seven men then mutually chosen, which men were to meet on the third Tuesday in May, to go over the Court Docquet, and finally settle all the fees thereon, and order the several officers to repay all such sums as should appear to have been paid more than by law they ought to have paid, &c. this gave general satisfaction. Near about the same time a General Court was held at Newbern, at which Court thirty two persons were indicted, under the new Riot-Act, for pulling down Fanning's house, several of whom lived in Orange county, two hun-

dred miles distance, and was at home when the house was pulled down, notwithstanding which they were outlawed: However, before the expiration of the term given by the law for them to appear, the Governor marched with a body of 3,000 men, and 7 pieces of artillery, against the rebels as he then stiled them, in order to take those persons who stood indicted, to put a stop to the growing rebellion, and principally to prevent Mr. Frohock from settling with the people agreeable to his bonds, as may appear by his letter to Mr. Frohock at the time he began his march, in which he ordered him not to settle with the people, and also threatened to strip him of his commissions for what he had done; which threatening he in part made good, by taking the Colonel's commission from him. An armed force now marching into the heart of the country, with an angry Governor at their head, threatening destruction to the honest Frohock, destroying wheat fields, cutting down orchards, and burning the houses of every person that Mr. Fanning or any other man in the army should charge with being a rebel, so terrified the people that they run together like sheep chased by a wolfe, till they gathered to the number of about 4,000; and every house that the army found deserted they destroyed, together with the cattle, sheep, hogs, poultry, and everything on the plantation. These are facts notorious. Thus they marched till they crossed Alamance Run, in Orange County, on the 16<sup>th</sup> of May, 1771, without any opposition: There the 4,000 rebels met them, and sent James Hunter and Benjamin Merrill with a petition to the Governor, and orders to treat with his Honour for peace: To which the Governor answered by his Aid de Camp, that the people must come in, deliver up their arms, pay off their taxes; swear to be subject to all the laws of their country, and deliver such men as he should name to be put to death, otherwise there would be bloodshed in one hour and ten minutes. Before the expiration of the time the Aid de Camp returned, and asked if they wanted more time; they answered, Yes: He then promised to get them two hours more, which gave the people great hopes of an accommodation. The army, during this, was marching up, and the people moved off to give them room; and as soon as the Aid de Camp returned, a field piece was fired in the midst of the people, which killed one man, & frightened 3,700 from off the ground, leaving only 300 to settle the matter, who returned the fire briskly for some time, when the Governor hung out a flag, and beat a parley; but they, knowing nothing of the mode of war, continued

their fire, on which the Governor concluded that they were determined to give no quarter, and again fired on them, which continued about two hours and a quarter, when Hunter and his men fled, and left the field to the Governor. How many of the country were killed is uncertain; however, this we know, that there are but thirty missing: Some say there was but nine killed, and that the Governor lost a great number of men; how that matter is, time only must show. The Governor took some prisoners, of whom he hanged seven: The first man was hanged in the camp, because Mr. Fanning said he helped to pull down his house, when in fact the poor man was not there at the time. Benjamin Merrill was one of the number hanged; a man in general esteem for his honesty, integrity, piety, and moral good life. The Governor now calls in the inhabitants by proclamation, declaring that the King's pardon shall be given to all that come in: They immediately go in and comply therewith. He then proceeds, on the 21<sup>st</sup> of May, (the day that their accounts by their bonds, was to have been settled) to the houses of those people that entered into bonds as above, and destroyed everything that was in his power to destroy by fire and sword, then marched his army back, with orders to punish all such as should be so hardy as to complain; and thus his Honour returned victorious to his place at Newbern."

"O that my head was water and my eyes a fountain of tears.  
That I might weep day and night for the slain of my people."

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[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

NEW YORK 1<sup>st</sup> August 1771.

On the 18<sup>th</sup> of May last I had the honor to transmit to your Lordship an account of the victory obtained, on the auspicious 16<sup>th</sup> of the same month, over the rebels of North Carolina, I shall here, with as much brevity as possible, relate the principal events that attended the success of that day: On the 17<sup>th</sup>, the day after the battle, I took the opinion of the gentlemen of the Council present, Viz<sup>t</sup>, The Hon<sup>ble</sup> John Rutherford, Lewis DeRossett, Robert Palmer and Samuel Cornell, Esq<sup>re</sup>, whether it would not be advisable (in order to leave a door open for mercy) to issue a proclamation of pardon to all of

the rebels, who should come into camp, surrender up their arms, take the oath of allegiance and oath of obligation to pay all taxes as well due as those that shall become so, and to support and defend the laws of the land.

This measure was unanimously advised and a proclamation issued accordingly. The happy effects of this proclamation (extended from time to time for a few days) soon disarmed all opposition. The inhabitants come in by crowds to surrender themselves and by the 19<sup>th</sup> of June three thousand three hundred had come into camp and took the oaths of allegiance &c. &c., to his Majesty, and upwards of five hundred arms were surrendered up; many of those that surrendered asserted they were not in the battle, while others pretended to be in the battle without arms.

As soon as I found the force of the rebellion was broke I detached parties in the neighbourhood of the army and made requisitions of the settlers to bring in a certain quantity of flour and beeves according to the strength of the settlement or the necessities of the army, which requisitions were generally strictly complied with in so much, that the Commissary had not occasion to purchase any provisions for the troops from the 16<sup>th</sup> of May, till they quitted those settlements the 20<sup>th</sup> of June. On the 19<sup>th</sup> of May the army proceeded westward in order to join General Waddell with his troops then intrenched near Salisbury, and on the 4<sup>th</sup> of June we effected the junction about eight miles to the eastward of the Yadkin River, and marched the same day to the Moravian settlements; where on the sixth we commemorated his Majestys birthday and celebrated the victory at Alamance. Intelligence being brought that the counties of Tryon, Mecklenburg, and north west part of Rowan, westward of the Yadkin, were meditating hostilities, it was judged proper, by a Council of War, that a strong detachment from the army should march through those parts, and compel the inhabitants to take the oath above mentioned, and to suppress any insurrection among them. Agreeable thereto, I appointed Gen<sup>l</sup> Waddell for that command with the troops he brought with him amounting to three hundred and forty men from the counties of Mecklenburgh, Rowan, Tryon and Anson, reinforced with the four companies of Orange the company of Light Infantry from Cumberland county, and the Artillery company of sailors raised at Wilmington, with one of the brass field pieces, and six half swivel guns: The General marched the eighth of June to the westward, with orders from me after he had performed the service



aforesaid, to disband his troops: Since his first day's march I have not had any intelligence of his measures or success; which will be communicated to your Lordship by Governor Martin: On the ninth of June I returned with the army through the western part of Orange county to Hillsborough, where the Judges were waiting, at an especial Court of Oyer and Terminer to try the prisoners taken in battle, twelve of whom were capitally convicted as traitors, and two acquitted, Of which twelve six were executed the 19<sup>th</sup> of June near the Town of Hillsborough, and by the solicitation of the officers of the army, I suspended the execution of the other six till His Majesty's pleasure should be known, as soon as I can transmit their names I shall solicit on their behalf, having in the hurry of obedience to comply with his Majesty's commands to repair to this Government, left many papers at Newbern for Governor Martin relative to this service, which I now find I stand in need of. The executions being over, on the 20<sup>th</sup> the army marched to the southward and as I had received the 13<sup>th</sup> of June (by one of the Judges) your Lordships dispatch, requiring me to take upon me without loss of time the government of New York, I left the army early the 20<sup>th</sup> arrived the 24<sup>th</sup> at Newbern, and on the 30<sup>th</sup> embarked with my family for this country. Benjamin Merrill a Capt<sup>n</sup> of militia, at the hour of execution left it in charge to the officers to solicit me to petition his Majesty to grant his plantation and estate to his wife and eight children. He died under a thorough conviction of his crime and the justice of his sentence and addressed himself to the spectators to take warning by his suffering: His Majesty's indulgence to this request, would, I am persuaded, be dutifully and affectionately received by his unhappy widow and children.

This service my Lord, with all the impediments and difficulties under which it was undertaken and prosecuted has been attended with every desired success. The inhabitants chearfully pay their taxes, are satisfied that Husband, Hunter and a few others have by misrepresentations misled them, and are convinced that they are much happier by losing the victory, than they would have been had they defeated his Majesty's forces. The eastern counties raised no men, owing to the northern treasurer refusing to answer my warrants on him payable to the Colonels of those counties to enable them to pay each volunteer forty shillings bounty money and to furnish them with necessaries for the expedition, or even to issue his notes, as the southern Treasurer had done to the sum of six thousand

pounds (without which credit no men could have been raised) to be received by him in the payment of the contingent tax. I shall leave to your Lordships reflections the tendency this expedition has had on the frontiers of every colony in British America, as well as on that in North Carolina. When his Majesty is informed that this service was undertaken without money in the Treasury to support it, no armory to furnish arms, nor magazines from whence we could be supplied with ammunition or draw provisions, and that his new raised troops acted with fidelity, honor and obedience to their King and country, I am sanguine enough to believe they will receive some favorable testimonies from their Sovereign. They have had no other immediate encouragement than the forty shillings bounty money, which was necessary to leave with their families to hire husbandmen to plant their corn in their absence. The pay of the troops, the provisions, waggons, and every other contingent service, remains a demand on the public—a sum I estimate at not less than forty thousand pounds currency: a load the province is *absolutely incapable to discharge, unless by a new emission of currency, or an aid from Parliament*, both of which I humbly beg leave to submit to his Majesty's wisdom. As the orders delivered to the troops will be explanatory of this service, I have the honor herewith to transmit them, also the petition of the insurgents to me, delivered the evening before the action, with my answer thereto. The particular returns of the strength of the army was left for Governor Martin. But if your Lordship will turn to the orders of 20<sup>th</sup> of May, you will see £126 distributed among the non-commissioned officers and soldiers of the army—a sum calculated (by the returns) at 2s. 6d. per man, which in the whole amounted to one thousand and nine men, exclusive of officers, thirty light horse and nine men that were killed.

Humbly hoping that this service may be acceptable to my most gracious Sovereign,

I am &c, &c, &c,

P. S. I should have mentioned that one Few an outlaw taken in battle was hanged the next day in camp, and that the houses and plantations of the outlaws we came near were laid waste and destroyed, and that the owners fled out of the province.

[FROM TRYON'S LETTER BOOK.]

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Letter from Governor Tryon to Earl Hillsborough.

NEW YORK, FORT GEORGE, the 2<sup>nd</sup> Aug. 1771.

I have the honor to transmit in this dispatch for his Majesty's further information, plans of the camp and battle of Alamance with their explanations, also copys of all the letters I wrote, and requisitions I made, from the first information I received of the Hillsborough Superior Court of Justice being overturned in September last, to the perfect restoration of peace in the government of North Carolina.

I will only observe, my Lord, that the army pursued their victory no further than a small plantation in the rear of the rebels (noted in the plan) where they had the good fortune to find the two gentlemen who had been taken on a scout the evening before and had been severely whipt by the insurgents. It being then near three o'clock the troops were ordered to retreat; the wounded put into waggons and the whole arrived in their camp at Alamance before sunset.

I am &c.

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#### THE WAR OF THE REGULATION—ITS CAUSES AND ITS EFFECTS.

[REPRINTED FROM JUDGE JOHN HAYWOOD'S CIVIL AND POLITICAL HISTORY OF TENNESSEE, A. D. 1823.]

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Thus East Tennessee began to be permanently settled in the winter of 1768-9. Ten families of these settlers came from the neighborhood of the place where Raleigh now stands, in North Carolina, and settled in Watauga. This was the first settlement in East Tennessee. Soon afterwards it was augmented by settlers from the hollows in North Carolina, and from Virginia. About the years 1768, 1769, 1770, such was the reigning fashion of the times as eminently promoted the emigration of its people from North Carolina. The trade of the country was in the hands of Scotch merchants, who came in shoals to get rich, and to get consequence. The people of the country were clothed in goods they imported, and to be dressed

otherwise was scouted as a sign of barbarity and poverty. The poor man was treated with disdain, because unable to contribute to emoluments. He was excluded from their society, unless when he was to be reminded of his insignificance, and to be told with brutal freedom, of the low rank which he held. The rich were led into extravagant modes of living, far beyond what their incomes could support, Labour was proscribed as fit only for the degraded vulgar; and every man in the country of any standing vied with his neighbor in the splendor of his appearance, in the expenditures of his family, and in the frivolous amusements with which he passed his time. The traders were taken for a superior class of beings, their dress was imitated, their manners, their amusements, even their hobbling gait, and broad accent. The very women of the country believed that there was no dignity but in a connexion with them. The Governors of the province were alternately Scotch, or English, who favored their pretensions. The members of Council were chiefly Scotch, and the members of Assembly also. To supply the means of the expensive living which was then fashionable, clerks of courts and lawyers demanded exorbitant fees for their services. The great excellency of a clerk, consisted in making out the highest bill of costs, and yet keeping within the pale of the law. All sums over forty shillings were sued for, and recovered in courts of record. The business was immense, and the extortions of clerks, lawyers, and tax-gatherers, fell with intolerable weight upon the people. Sheriffs in the collection of taxes exacted more than was due, and appropriated the surplus to their own use. The offenders were the men in power, who were appointed by the law to redress the wrongs of the people. Those who were injured met and petitioned the legislature for relief, and made representation of the mal-practices, which they had suffered, their petitions were rejected and treated with disdain. Driven by oppression to desperation and madness the people rose in bodies under the title of Regulators. The Royal forces under the command of Governor Tryon, met the Regulators near the Great Alamance, on the 16<sup>th</sup> of May 1771, and defeated them, killing above two hundred of them on the field of battle; some of them were taken by the victors and hanged: others took the oath of allegiance and returned home; others fled to Holston, where the dread of British power, at a subsequent period, made them Tories. In these afflicting circumstances, it became necessary for men of property to come to the westward in quest of

the means to repair the dilapidations of the broken fortunes, and for the poor to go somewhere in search of independence, and a share of respectability absolutely unattainable in the country of their nativity. In the wilderness, beyond the mountains, they were promised at least exemption, from the supercilious annoyance of those who claimed a pre-eminence above them. Under the incentives, full streams of emigration began to flow in various directions from the misgoverned Province of North Carolina. The day of retribution was not far behind, and when it came in the dawn of the revolution, the enraged populace, ever prone to extremes, exhibited many of those models of excellence, in match coats of tar and feathers, which frequently they were hardly restrained from decorating with the illumination of liquid flame. Is it meant to applaud such violence? No, but to hold it in abhorrence. Yet candor is obliged to confess, that as in every other misfortune, there is some speck of consolation, so, also, there was one in this, that if the rude fury of the people must fall somewhere, it did not upon this occasion miss the most deserving candidates for popular distinction. When the oath of allegiance to the new state government was offered to the people of North Carolina as a test of distinction between the friends of the new state who would take it and its enemies who would not, this whole body of men, with very few exceptions, who had so lately been the tyrants of the country, refused to take the oath and left the United States. Amongst others who had withdrawn from the oppression which they had made fashionable, was Daniel Boon from Yadkin, who removed in 1769, or 1770, and James Robertson from Wake County, North Carolina, early in 1770 — He is the same person who will appear hereafter by his actions, to have merited all the eulogium esteem and affection, which the most ardent of his countrymen have ever bestowed upon him."

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[REPRINTED FROM MORGAN EDWARDS' MS. HISTORY OF THE BAPTISTS IN NORTH CAROLINA.\*]

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"Next to Virginia Southward is North Carolina, a poor and unhappy province where superiors make complaints of the people,

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\*NOTE.—Morgan Edwards made a tour through North Carolina in 1772, gathering the material for his history of the Baptists in the province. The extracts given are reprinted from Benedict's "General History of the Baptist Denomination in America," edition of 1813. Benedict printed from Morgan Edwards' works in manuscript.—EDITOR.]

and the people of their superiors, which complaints if just, shows the body politic to be like that of Israel in the house of Isaiah "from the sole of the foot to the crown of the head without any soundness, but wounds and bruises and putrifying sores." These complaints rose to hostilities at Alamance Creek May 16<sup>th</sup> 1771, where about 6,000 appeared in arms and fought each other 4,000 Regulators killing three Tryonians and 2,000 [Tryonians] killing twelve Regulators besides lodging in the trees an incredible number of balls which the hunters have since picked out and killed more deer and turkies than they killed of their antagonists."

\* \* \* \* \*

"Very remarkable things may be said of the church [Sandy Creek Church] worthy a place in Gilles's \* \* \* It begun with 16 souls [1755] and in a short time increased to 606 spreading its branches to Deep River and Abbots Creek which branches are gone to other provinces and most of the members of this church have followed them; insomuch that in 17 years it is reduced from 606 to 14 souls. The cause of this dispersion was the abuse of power which too much prevailed in the province and caused the inhabitants at last to rise in arms and fight for their privileges; but being routed May 16<sup>th</sup>, 1771 they despaired of seeing better times and therefore quitted the province. It is said 1,500 families departed since the battle of Alamance and to my knowledge a great many more are only waiting to dispose of their plantations in order to follow them. This is to me an argument that their grievances were real and their oppression great, notwithstanding all that has been said to the contrary."

\* \* \* \* \*

"Governor Tryon is said to have represented 'the Regulators as a faction of Quakers and Baptists who aimed at overturning the church of England.' If the Governor said as here suggested he must be misinformed for I made it my business to inquire into the matter and can aver that among 4000 Regulators there were but 7 of the denomination of Baptists; and these were expelled from the societies they belonged unto, in consequence of the resolve of the Baptist Association held at Sandy Creek the Second Saturday in Oct. 1769, "If any of our members shall take up arms against the legal authority or aid and abet them that do so, he shall be excommunicated," &c. When this was known abroad, one of the four chiefs of the Regulators with an armed company broke into the

assembly and demanded if there were such a resolve entered into by the Association? The answer was evasive, for they were in bodily fear. This checked the design much; and the author of the *Impartial Relation* is obliged to own, page 16, "There (in Sandy Creek) the scheme met with some opposition on account that it was too hot and rash and in some things not legal," &c. One of the seven Baptists by the name of Merrill was executed; and he, at the point of death, did not justify his conduct, but, bitterly condemned it and blamed two men (of very different religion) for deceiving him into the rebellion.

"His speech at the gallows was as follows:

" 'I stand here exposed to the world as a criminal. My life will soon be a change. God is my comforter and supporter. I am condemned to die for opposing Government. All you that are present take warning by my miserable end when I shall be hung up as a spectacle before you. My first seducers were Hunter and Gelaspie. They had often solicited me, telling that a settlement only was contended for with regard to publick officers who they said had oppressed the people: and that unless these measures were taken there would be no remedy or redress hereafter. Thus they pressed me on by assuring me the disputes (as they called them) then existing might be settled without shedding of blood. I considered this unhappy affair and thought possibly the contentions in the country might be brought to some determination without injury to any, and in this mind I joined the Regulation. After I had entered under the banner of the Regulators I was ever after pressed to be made a leading man among them, and was one of the number who opposed Colonel Waddell with his troops: information prevailing that the Governor was on his march to lay waste the country and destroy its inhabitants, which I now find to be false, and propagated to screen old offenders from justice. As to my private life, I do not know of any particular charge against me. I received, by the grace of God, a change fifteen years ago; but have, since that time, been a blackslider; yet Providence, which is my chief security, has been pleased to give me comfort, under these evils, in my last hour; and altho' the halter is now round my neck, believe me, I would not change stations with any man on the ground. All you, who think you stand, take heed lest ye fall. I would be glad to say a few words more to you before I die. In a few moments, I shall leave a widow

and ten children; I entreat that no reflection may be cast upon them on my account; and if possible, shall deem it as a bounty, should you, gentlemen petition the Governor and Council, that some part of my estate may be spared for the widow and fatherless; it will be an act of charity, for I have forfeited the whole, by the laws of God and man."

"The man bore an excellent character, insomuch that one of his enemies was heard to say, 'That if all went to the gallows with Capt. Merrill's character, hanging would be an honourable death.' All pitied him and blamed the wicked Hunter, Gelaspie, Howell, Husband, Butler, and others who deceived and seduced him. Upwards of 70 bills were found at the time, but Merrill was the only Baptist found among the number. The four principals in the Regulation are well known to be of other religious denominations.

"I thought it necessary to say so much, lest the Governor's words should in time make the North Carolina Regulation another Muster tragedy."





## APPENDIX.

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### ADDITIONAL PAPERS RELATING TO THE WAR OF THE REGULATION ENCLOSED IN GOVERNOR TRYON'S LETTER (No. 78), OF 2<sup>D</sup> AUGUST, 1771.\*

[B. P. R. O. AMERICA & WEST INDIES, VOL. 218.]

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Orders Given out by His Excellency Governor Tryon to the Pro-  
vincials of North Carolina Raised to march against the Insurgents.

Johnston County Camp at Col: W<sup>m</sup> Bryans,

Wednesday 1<sup>st</sup> May 1771.

Parole—King George.

Staff Officers appointed for the service.

General Waddell Commander in Chief under His Excellency the  
Governor.

Hon<sup>ble</sup> Lewis de Rosset Adjutant General, Col<sup>l</sup> Robert Howe Quar-  
ter Master General, Isaac Edwards and William Palmer Esquires  
Aid de Camps to the Governor.

Captain Sauther Superintendant of the Park of Artillery and  
Military Stores and director of the Baggage Waggon.

Lieutenant Campbell Assistant Adj<sup>t</sup> General, Thomas Haslin and  
Thomas Cobham Esquires Surgeons to the Army.

Reverend M<sup>r</sup> M<sup>c</sup>Carty Chaplain to the Army, Richard Blackledge  
and Thomas Hart Esq<sup>res</sup> Commissaries for Provisions.

Alexander Lillington Esquire Assistant Quarter Master General.

Thomas Clark Provost Marshall General.

The hon<sup>ble</sup> John Rutherford Esq<sup>r</sup> Judge Advocate.

---- Matheson Surgeon's Mate to the Army.

Orders for the due Observation of good discipline and preventing  
disorders on the March and in the Camp.

1. Upon a march no Officer or soldier to quit his Platoon or  
Division, farther than necessary occasions may require.

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\* Received too late for chronological arrangement.—EDITOR.

2. Nobody to march with the Quarter Master General but the Camp Colour men and the guard ordered for his Escort.

3. The Quarter Master General to mark the front line and distance for each Regiment to encamp on, and to leave the Camp Colour men on the ground till the Regiments come up.

4. The Quarter Master General to allow sufficient spaces for the front of the encampment of each Company, five paces between each Company and an interval nearly equal to the front of a Battalion between each Regiment.

5. The Army to encamp in two lines, Regiments of the second line to be opposite the intervals of the first line as near as the Ground will permit, the distance between the Lines two hundred yards.

6. A Quarter Master from each line to march their Camp Colour men in order, as all other Detachments do when the Army marches.

7. The Quarter Masters constantly to meet their Regiments when they come near their Camp to conduct them to their ground..

8. An Officer and Pioneers with their Arms to march at the head of each column.

9. A Cart with tools to march with the Artillery for the use of the Pioneers.

10. The advance guard to march at the distance of a quarter of a mile in the front of the Army.

11. On a march every Corps to detach Parties on their Flanks to prevent surprize and on the front and rear when on Detachment.

#### Camp Duties & Regulations.

12. No Officer or soldier to go beyond the limits of the Camp which is within the distance of the Grand Guard.

13. An Officer of each Company is to call over the roll of his Company morning & evening and report to the commanding Officer of the Regiments all such as shall be absent, who will make the same report of his Regiment every morning at Head Quarters at Orderly time.

14. Orderly time eleven o'clock when the Army does not march, and when the Army marches as soon as the men come to Camp.

15. When any Corps encamps upon a highway or road, they are to leave an opening for carriages to pass.

16. Reinforcements of Grand Guard and outposts are to join their several Regiments at beating the General.

17. Reveillie not to beat the day the Army marches.

18. The guards to be relieved at 8 o'clock every morning excepting the Army marches before that hour, when they will be relieved as soon as the men arrive at their new Camp.

19. The ordinary guards for the Camp are the Guard on Commander in Chief, Advance Guard, Rear Guard, Grand Guard and Provost Guard.

20. The Advance Guard to post Centries and small Detachments at all the Avenues leading to Camp.

21. The Advance and Rear Guard will be reinforced occasionally.

22. The Grand Guard to remain about three hundred yards in front of the Camp and to place a small Detachment between them and the Advance Guard, and Centries on their right and left as wide as the Flanks of the respective lines.

23. Each line to furnish a Grand Guard, those of the first line posted in front, and those of the second line in rear.

24. Communications to be made between the two lines and intervals of Regiments.

25. The several Regiments to send to the Superintendant of the Military Stores for tools to make communication and openings and the Quarter Masters to give receipts for the number they take. If any are lost they are to pay for them.

26. Officers of Companies to inspect the men's Arms and Ammunition every morning and see the Arms are loaded and in good order, provided with good flints, and that the men have washed and combed their hair, and to caution frequently the soldiers not to waste their ammunition.

27. When Pieces cannot be drawn an Officer to assemble the men they belong to, and see them fired together in a safe place.

28. The Surgeons of each Division to visit their sick twice a day, and make report at Head Quarters every morning at Orderly time, or on the day of March, as soon as the men come in camp.

29. The Surgeons to keep a book and enter each man that comes under his care, viz: the man's name, the Company he belongs to, the day he comes under his hands, and the day he discharges him.

30. Any soldier who shall have committed any disorder in plundering any house or other places, to be punished according to the nature of the offence.

31. All persons are strictly forbid to injure the persons or property of any Inhabitants whatever, or to molest them or their families;

those who regardless of these orders shall do any mischief to the property or persons of any Setler or others will be severely punished.

32. No Company to load without Orders from the Colonel of the Regiment unless on Detachment.

33. The Advance Guard only to be loaded unless ordered.

34. All Commission or non Commission Officers commanding Guard or Detachm<sup>ts</sup> are answerable for everything put under their charge, as well as for the executive part of their Orders, and also for the conduct of their men.

35. All Officers are expected to lye in Camp.

36. All Orders relating to the men to be read constantly to them by an Officer of each Company.

37. No Officer, Private man, Officers' servants or others belonging to Camp to go a shooting without leave obtained from the Governor, the Provost will take up all disobeying this Order.

38. The Provost General shall take up and confine all such persons as shall be found without the limits of the Camp, and send them prisoners to the Regiment to which they belong, to be tried by a Court Martial for disobedience of Orders.

39. All men confined for crimes cognizable by regimental Court Martial to be tried within twenty four hours after their confinement, the commanding Officer to take care that this Order be complied with.

40. A Captain and four subalterns form a regimental Court Martial; the sentence to be determined by majority of voices beginning with the youngest.

41. The sentence of a regimental Court Martial not to be put in execution until approved by the Commander in Chief.

42. Court Martials to be held at the Head of the Colours, and the punishments adjudged, as soon as approved by the Commander in Chief to be immediately inflicted.

43. No soldier to be suffered to game, any transgressing this Order to be confined twelve hours for the first offence, and for the second be tried by a Court Martial.

44. All returns required to be made to Head Quarters to be signed by the Commanding Officer of the Regiment or Corps.

45. Men to be exercised whenever opportunity offers.

46. Commanding Officers to be answerable that all butchers bury garbage, cleanliness in camp is in every respect recommended as being essential to the preservation of the mens health.

47. Prayers and sermons to be performed every Sunday at eleven o'clock and evening Prayers at five o'clock. The first Sunday the first Line to be paraded without Arms at half past ten o'clock and march at Drum beating to attend divine service at 11 o'clock and the second to parade in the same manner at half past four o'clock, and march at five in the evening. The second Sunday the second Line will attend morning and the first evening service, and so alternately.

48. When Provisions are to be delivered out, a man of a Mess with a Serjeant to each Company, under an Officer of each Regiment, to march to the Commissary (who is to see the same delivered regularly) and after receiving the number of Rations for the effective men of the Regiment, the Officer will march them in Order back to Camp.

49. The Quarter Masters of Regiments will attend the delivery of Provisions to their respective Corps, and give receipts to the Commissary for the number of Rations, specifying in the receipt the number of each company.

50. Perches to be made at every new Camp to rest the Arms on.

51. No soldier on pain of severe punishment to take his firelock from the Perches after retreat, or during night, nor in the day (even to clean it) unless by leave of an Officer or Serjeant.

52. Any soldiers that fire their pieces in Camp to be confined to the Quarter Guard twelve hours, and if fired in the night to be tried by a Court Martial.

53. Any person that gives a false alarm especially in the night by firing a gun or otherwise to be punished by sentence of a Court Martial.

54. In all dutys with or without Arms, the tour of duty shall be from the eldest downwards.

55. Of duty of honour the

- 1<sup>st</sup> Is the Guard on the Commander in Chief.
2. Detachments of the Army or Outposts.
3. On General Officers.
4. The Ordinary Guards in Camp.
5. The Piquets.
6. General Court Martials.
7. Regimental Court Martials.
8. Duty without Arms or fatigue.

56. If an Officer is on any Camp duty, and his Company has

Orders to march, he is to be relieved by another Officer from that duty and to march with his men.

57. No Adjutant to be detached but with his Regiment or Corps.

58. All immediate Detachments that are ordered, to be taken from the Piquets, and replaced forthwith.

59. All Detachments to be marched from the General parade.

60. The General Parade is one hundred yards in the front of the Centre of the first line.

61. All Officers upon the advance Guard Grand Guard or Detachment that have Centries out are to give orders to stop all passengers or Travellers at Night and detain them till the Commanding Officer of the said Guard or Detachments have examined them.

62. The Grand and all Guards and Detachments out of Camp during the Night to Patrole and take up all Strolers and carry them if Soldiers to their Regiment if others to the Provost.

63. Commanding Officers of Corps are to examine all Straglers and suspected persons and those who cannot give a good account of themselves to be confined and Report thereof made to the Head Quarters.

64. All Officers commanding out Posts upon their Return to Camp to make their Report immediately to the Commander in Chief or leave it in writing to the Adjutant General at Head Quarters.

65. A Detachment of the Piquet to patrole in the Front and rear of each line from 9 o'clock at Night till Day Break and to take up all Strolers.

66. The Commanding Officer of each Regiment or Corps to inspect the Men that go on out Posts or Parties and see that their Arms and Ammunition are in good order and that they are supplied with the Provisions ordered.

67. The Colonel of the Piquet to go the rounds of both the Lines and the Field Officers of the Piquets to go the rounds each taking one line.

68. The Field Officers of the Piquet to report to the Colonel of the Piquets and the Colonel to the Commander in Chief.

69. The Officers to be at the Head of their Companies as soon as the Assembly has done beating and to remain with them till ordered to march.

70. Adjutants of Regiments and Clerks of independent companies to attend every day at Head Quarters at Orderly time for orders.

71. All Centries to be alert and not sit down nor quit their Posts or suffer another to take their post till relieved.

72. When the Piquets are ordered to lye out the men to have their pieces loaded before it is dark.

73. Officers of all out Guards or Posts to send notice by a Man of their Party to the Adjutant General where they are as soon as they arrive at their Head Quarters or Posts—N. B. This includes only Detachments sent to a great distance from Camp.

74. The Quarter Master General wherever he is ordered forward to take a new Camp to have a Company with its Officers to escort him which is to be under his orders—The Eldest Regiment will furnish first for this duty and so in progression to the youngest.

75. Necessary Houses to be built for each Regiment The Quarter Master General will fix on proper places and direct the manner of making them and the Quarter Masters of each Regiment are to employ the Camp Colour Men to instruct them.

76. The day the Army marches the Grand Guard on Duty will march in the van and be relieved as soon as the men arrive in Camp.

77. The Union is the first Colour in all Regiments.

78. On the firing of three Cannon all Officers and Soldiers to repair to their Colours.

That no Person may plead Ignorance These Orders to be read at the Head of each Company and to the Volunteers and Suttlers Servants and all Followers of the Camp who are all to be subject to the rules and articles of War.

Camp at Colonel William Bryans

Thursday the 2<sup>d</sup> May 1771.

Parole—North Carolina.

Commanding Officers of Corps to give in to Adjutant General at Head Quarters to-morrow morning at orderly time a return of the strength of their respective Detachments distinguishing the number and ranks of their officers Non Commission Officers and private Men respectively in each company.

The Commissary to deliver every morning one days provisions to the Forces till further Orders.

The Detachment from the several Regiments of Militia to take rank according to the Seniority of their Counties, Officers to take Rank according to the date of their Commissions with this Distinc-



tion that all Officers who have served in the regular or provincial service are to have the Precedence. Colonel Moore is ordered to augment his Corps of Artillery to eighty private Men with an additional Lieutenant two Serjeants and two Corporals.

Colonel Moore to receive his orders from the Governor or Commander in Chief.

Fry: 3<sup>rd</sup> May 1771.

Parole—Johnston.

Union Camp.

The Detachment from New Hanover, Onslow, Johnston and Pitt to join those which arrived in Camp last evening viz: Craven, Carteret, Dobbs and Rangers at Smith ferry where his Excellency will review them at twelve o'clock this day. The whole to be drawn up in the following order of Battle

The Rangers, Carteret and Johnston detachments on the left of the first line, Artillery in the centre, Craven detachment and Rangers on the right. In the second line the Onslow, Pitt, Dobbs and New Hanover detachments.

Baggage Waggons in the Rear.

Colonel Moore will receive from the Craven and Carteret Detachments the Train of Artillery and take the same under his Command.

A small Field Piece to be sent to each of the Flanks of the Front Line with a Detachment from the Train to be drawn up between the first Line and the Rangers.

The Army to practise only that form of Exercise delivered to the Adjutants that the whole may be uniform when ordered to exercise together.

The Rangers to be immediately relieved from the Baggage Guard by the first Company of the Craven Detachment. The Doctors to be made acquainted every day by a Serjeant of each company of the sick or wounded within their respective divisions.

After Orders.

The Army marches to-morrow. The General to Beat at eight o'clock, the Assembly at nine and the whole to march off at ten.

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Order of March.

The Rangers from the Advance Guard, the Craven Detachment, the van of the Column, the Artillery and Ammunition Waggon remainder of the first line.

The second Line. The Governor's Baggage, the Commissarys Carriages, the Officers and Soldiers Baggage closed by the Rear Guard.

The Craven Detachment to furnish the Baggage an Rear Guard tomorrow a Company for each Guard. The Quarter Master General or his Assistant to go forward to morrow morning early to choose a Camp—Every Detachment to have scouting Parties on their Flanks agreeable to standing orders.

The Governor was greatly pleased with the appearance of the Army at the Review today and thanks both Officers and Soldiers for their very attentive and steady behaviour.

The Army to encamp in two lines in the same manner as drawn up to-day.

Johnston Court House Camp.

Saturday May 4<sup>th</sup> 1771.

See page 575 *ante*.

After Orders.

Each Detachment to appoint two active Men of Company who are to remain as Camp Colour Men and to attend the Quarter Master General or his Assistant on the day of March.

M<sup>r</sup> Dawes is appointed Commander of the Camp Colour Men under the Orders of the Quarter Master General with the Rank and pay of Lieutenant.

The Surgeons Waggon to follow the Ammunition Waggon. When any Waggon or Cart stops from accident the Line of Baggage in the rear may pass by it the Rear Guard leaving two men to bring it up.

Hunters Lodge Camp

Sunday May 5<sup>th</sup> 1771.

See page 575 *ante*.

Hunters Lodge Camp

Monday May 6<sup>th</sup> 1771.

See page 575 *ante*.

Hunters Lodge Camp

May 7<sup>th</sup> 1771.

See page 576 *ante*.

## After Orders.

The Army marches tomorrow morning. The General beat at six and the Assembly at ten o'clock. The Troops to march half an hour after

Jones's Camp  
Wednesday May 8<sup>th</sup> 1771.

See page 577 *ante*.

After Orders.  
New Hope Camp.

See page 578 *ante*.

Eno Camp  
Thursday May 9<sup>th</sup> 1771.

See page 578 *ante*.

Eno Camp  
Friday May 10<sup>th</sup> 1771.

See page 579 *ante*.

[For orders on 11<sup>th</sup> May see page 579 *ante*.—EDITOR.]

Lodge Farm Camp  
Sunday May 12<sup>th</sup> 1771.

See page 580 *ante*.

Haw River Camp  
Monday May 13<sup>th</sup> 1771.

See page 581 *ante*.

Great Alamance Camp.  
Tuesday 14<sup>th</sup> May 1771.

See page 582 *ante*.

Great Alamance Camp  
Wednesday May 15<sup>th</sup> 1771.

See page 583 *ante*.

Prices of Provisions brought to Camp or bought in the Settlements through which the Army marches

Butter -----	8 <sup>d</sup> 3 <sup>d</sup> lb.
Eggs -----	6 <sup>d</sup> 3 <sup>d</sup> Doz.
Bacon—Hams and Middlings -----	5 <sup>d</sup> 3 <sup>d</sup> lb.
Veal -----	3 <sup>d</sup> 3 <sup>d</sup> lb.
Mutton -----	3 <sup>d</sup> 3 <sup>d</sup> lb.
Lamb -----	2 <sup>s</sup> 3 <sup>d</sup> 3 <sup>d</sup> Quarter
Corn -----	2 <sup>s</sup> 3 <sup>d</sup> Bush.

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Oats -----	2 <sup>s</sup> ½ Bush.
Clean bolted Flour -----	14 <sup>s</sup> ½ hund <sup>d</sup> , 1
Beef -----	2 <sup>d</sup> ½ lb.
Fresh Pork -----	2 <sup>d</sup> ½ lb.
Grown Fowls -----	6 <sup>d</sup> each
Younger Fowls -----	4 <sup>d</sup> each
Milk -----	3 <sup>d</sup> ½ Quart.

See page 583 *ante*.

#### After Orders.

The Army marches tomorrow at seven o'clock without beat of Drum.

One waggon with Provisions another with Ammunition and a third with the Surgeons Medicine Chest to accompany the Army.

The horses belonging to the Army to be drove up immediately and secured in camp all night.

*Note*—When on the march the discharge of three pieces of cannon will be the signal to form Line of Battle and five the signal for action.

#### Great Alamance Camp. Thursday 16<sup>th</sup> May 1771.

Field officer of the day Colonel Cray.

For the Piquet to-night and Baggage Guard tomorrow, Orange.

For the Grass guard to-night and Rear Guard to-morrow, Orange.

For the Quarter Guard, Craven.

The Governor orders that all the wounded of the Army be brought to his own Tent and the greatest care taken of them, the wounded of the Rebels brought to Camp to be taken care of.

#### Great Alamance Camp. Friday 17<sup>th</sup> May 1771.

See page 584 *ante*.

#### Great Alamance Camp. Saturday 18<sup>th</sup> 1771.

See page 585 *ante*.

His Excellency allows a Reward for the public service of twenty shillings for every horse or mare, ten shillings for every gun and five shillings for every saddle and bridle taken from the Rebels on the Field of Battle or elsewhere to be distributed among the Troops.

## After Orders.

Piquet Guard to Night and Baggage Guard tomorrow, Beaufort.  
 Grass Guard to Night and Rear Guard tomorrow, Craven  
 Governors Guard to Morrow—none  
 Quarter Guard—Orange

The Army marches to Morrow, the General to beat at five o'clock,  
 the Assembly at nine and the whole to march off at ten.

The sick and wounded not able to march with the Army to be  
 sent early tomorrow to Captain Holts and Doctor Richards to attend  
 them—Nurses to be hired and the Commissary to furnish them with  
 fresh Provisions and whatever else may be necessary.

## Royal Camp.

Sunday May 19<sup>th</sup> 1771.

See page 586 *ante*.

## Royal Camp.

Monday May 20<sup>th</sup> 1771.

See page 566 *ante*.

Officers and others who have their Baggage not ready loaded to  
 march off the ground with the Army will have it-----left  
 behind.

The Detachments from Wake and Cumberland that joined the  
 Army this Evening to encamp as follows

The Detachment from Wake to form in the second line between  
 Johnston and Dobbs.

The Detachment from Cumberland to form a Company of Light  
 Infantry under the Command of Captain Farquhar Campbell who  
 is to receive orders from the Commander in Chief.

The Light Infantry to encamp on the left of the Army.

## Sandy Creek Camp

Tuesday May 21<sup>st</sup> 1771.

See page 587 *ante*.

## Sandy Creek Camp.

Wednesday 22<sup>nd</sup> May 1771.

See page 587 *ante*.

## After Orders.

The Wake Detachment the light Infantry and Captain Hawkins's  
 light horse to parade to-morrow morning at Gun firing and to

march immediately after without Baggage under the command of Colonel Hinton. The Commissary to send a Waggon load of Provisions and two empty Waggon along with his Detachment.

The Troops that remain in Camp to receive Lead in the morning and each company run into Ball to-morrow the proportion that is delivered to them. The Officers are expected to take care that this Order is punctually complied with.

Lost in the field on the day of Battle a Blue Husar Cloak whoever will bring it to the Head Quarters shall receive two Dollars Reward—Also lost a pair of Steel Yards whoever shall bring them to the Commissary shall receive Ten shillings reward.

A small Field Piece with a Detachment from the Artillery to march with Colonel Clinton.

Sandy Creek Camp

Thursday 23<sup>rd</sup> May 1771.

See page 587 *ante*.

It appearing by the returns that there were Forty seven horses and mares twenty five Firelocks, twenty nine saddles and twenty eight bridles taken from the Rebels and the Reward proposed for these spoils being too small; His Excellency gives one hundred and twenty six pounds to be divided amongst the Non commission Officers and Private men of the troops that were in the Army at the time of the Battle, which is equal to two shillings and six pence for every man.

Sandy Creek Camp.

Friday May 24<sup>th</sup> 1771.

See page 588 *ante*.

After Orders

The Army marches to morrow. The General to beat at six o'clock in the morning, the Assembly at nine, and the whole to march off at ten.

Sandy Creek Camp.

Saturday May 25<sup>th</sup> 1771.

Parole—Florida

Countersign—Mobile

After Orders.

It being the unanimous opinion of the Colonels of the Line, that

Colonel Johnston has failed to use his endeavours to furnish the number of Volunteers he was commanded to raise from the Bute Regiment of Militia to march against the Insurgents; his Ex<sup>ty</sup> was was pleased to discharge him from the command of the Bute Regiment and to appoint Thomas Eaton Esquire to be Colonel in his room.

Sandy Creek Camp.

Sunday May 26<sup>th</sup> 1771.

See page 588 *ante*.

The Rangers to march off immediately to join the Orange Detachment on Deep River and to escort two waggon loads of Provisions for that Detachment.

Sandy Creek Camp.

Monday 27<sup>th</sup> May 1771.

See page 589 *ante*.

Sandy Creek Camp.

Tuesday 28<sup>th</sup> May 1771.

See page 589 *ante*.

The Pioneers to follow the Camp Colour men and repair the Roads.

After Orders.

At Camp near Haynes's

The Army marches to-morrow, The General to beat at six o'clock, the Assembly at seven, and the whole to march off at eight.

Deep River Camp.

Wednesday 29<sup>th</sup> May 1771.

See page 589 *ante*.

Kainay Camp.

Thursday 30<sup>th</sup> May 1771.

See page 590 *ante*.

After Orders.

The Army marches to-morrow, the General to beat at five o'clock, the Assembly at six, the whole to march off at seven.

Flat Swamp Camp.  
Friday 31<sup>st</sup> May 1771.

See page 590 *ante*.

Jersey Settlement Camp.  
Saturday June 1<sup>st</sup> 1771.

• See page 591 *ante*.

Jersey Settlement Camp.  
Sunday June 2<sup>nd</sup> 1771.

See page 591 *ante*.

Reedy Creek Camp.  
Monday 3<sup>d</sup> June 1771.

See page 592 *ante*.

After Orders.

Captain Neale with a Serjeant Corporal and twenty men of the Rangers to march immediately to escort the Commissioners for running the Boundary Lines of Guilford County.

Moravian Camp.  
Tuesday 4<sup>th</sup> June 1771.

See page 592 *ante*.

After Orders.

A Court Martial to be held to-morrow morning for the Tryal of the Prisoners of the Army. Colonel Schaw President. Rowan to find a Captain and a Subaltern and Mecklenburg a Captain and a Subaltern Members.

Moravian Camp.  
Wednesday June 5<sup>th</sup> 1771.

See page 593 *ante*.

Moravian Camp.  
Thursday 6<sup>th</sup> June 1771.

See page 593 *ante*.

Moravian Camp.  
Friday June 7<sup>th</sup> 1771.

See page 593 *ante*.



## After Orders.

General Waddell to march to-morrow morning with the following Detachments and Corps of Artillery under his command, viz<sup>t</sup> Anson, Rowan, Orange, Mecklenburg, Tryon and the Light Infantry, Lieutenant Colonel Schaw's Corps of Artillery, and Captain Walker's Company of Artillery both under the command of Colonel Moore who will have seven pieces of Artillery and Ammunition in proportion.

Lieutenant Colonel Alexander and Captain Tho<sup>s</sup> Polk appointed joint Commissaries for supplying the Troops under General Waddell. They will receive from Commissary Blackledge ten head of steers and two thousand weight of flower being part of what was furnished from the settlements on requisition, which they must credit the public for at the rate of thirteen shillings per hundred weight for the beef and flower.

Captain Richards appointed Surgeon General to the Forces under General Waddell with the pay of a Colonel.

## Moravian Camp.

Saturday June 8<sup>th</sup> 1771.

See page 594 *ante*.

## Black Jack Swamp Camp.

Sunday June 9<sup>th</sup> 1771.

See page 594 *ante*.

## Buffalo Camp.

Monday 10<sup>th</sup> June 1771.

See page 595 *ante*.

## Bigg Troublesome Camp.

Friday June 11<sup>th</sup> 1771.

See page 595 *ante*.

## Watson's Creek Camp.

Wednesday 12<sup>th</sup> June 1771.

See page 595 *ante*.

## Black Creek Camp.

Thursday June 13<sup>th</sup> 1771.

See page 596 *ante*.

Hillsborough Camp.

Friday June 14<sup>th</sup> 1771.

See page 596 *ante*.

Hillsborough Camp.

Saturday June 15<sup>th</sup> 1771.

See page 597 *ante*.

Hillsborough Camp.

Sunday 16<sup>th</sup> June 1771.

See page 597 *ante*.

After Orders.

Craven furnishes a Company to attend the Court with the State Prisoners and to parade at eight o'clock to-morrow morning.

Hillsborough Camp.

Monday June 17<sup>th</sup> 1771.

See page 597 *ante*.

Hillsborough Camp.

Tuesday June 18<sup>th</sup> 1771.

See page 598 *ante*.

Hillsborough Camp.

Wednesday June 19<sup>th</sup> 1771.

See page 599 *ante*.

Stone's Creek Camp.

Thursday June 20<sup>th</sup> 1771.

See page 599 *ante*.

After Orders.

His Excellency having received at Hillsborough Camp His Majesty's commands to repair immediately to New York to take upon him the Government of that Province, He cannot quit this Army without a particular and sincere acknowledgment to the Officers and men for the steady and uniform conduct they have observed throughout the Campaign. He will embrace the first opportunity to represent to His Majesty the important services that through their zeal and bravery they have rendered to their King and Country.

Colonel Ashe will take the command of the Army, and march with them to Col: Bryan's, (excepting the Wake Detachment which

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will be discharged at Hunter's) from whence the several Detachments will march under the command of their respective Commanding Officers, to their particular Counties and be there discharged. The Commissary will supply the Army with Provisions as usual until they get to Colonel Bryan's and then furnish the commanding Officers of the several Detachments with a sufficient quantity to serve them to their respective homes. The whole of the Artillery and Ammunition to be escorted from Colonel Bryan's to Newbern by the Detachment under the command of Colonel Leech.

The Horses taken in Battle to be divided at Colonel Bryan's, one half to go to Newbern with Colonel Leech, the other half to Wilmington with Colonel Ashe, where they are to be sold at Publick Vendue, and the proceeds to be paid to the Publick.

One of the Horses is given to M<sup>r</sup> Rutherford for one killed in Battle, and one to M<sup>r</sup> Bud for one he lost in the service. As the Estimate of this service cannot be prepared before His Excellency leaves the Province, he appoints the following gentlemen to receive the accounts, and lay a state of them before the Commander in Chief for the time being viz<sup>t</sup>: Colonel Ashe, Colonel Caswell, Colonel Leech, Colonel Cray and Cornelius Harnett Esquire.

W<sup>m</sup> TRYON.

NORTH CAROLINA  
RETURN OF THE ARMY WHILST ENCAMPED AT HERMON HUSBANDS ON SANDY CREEK 22 MAY 1771.

DETACHMENT.	Colonels.	Lieut. Cols.	Major.	Captains.	Lieutenants.	Ensigns.	Adjutants.	Quarter Masters.	Clerks.	Sergeants.	Musick.	Drummers.	Rank and File.	Chaplins.	Surgeons.	Mates.	Servants.	Waggoners.	Women.	Horses.	Waggons.	Carts.
Craven.....	1	1	0	0	0	3	1	1	3	9	0	3	144				0	1	0	10	0	3
Carteret.....	1	0	0	0	1	1	1	0	2	0	0	1	53				0	1	0	7	1	0
New Hanover.....	1	0	0	0	2	2	1	0	4	4	1	2	81				3	1	0	8	1	0
Onslow.....	1	0	0	0	1	1	1	0	2	2	0	1	42				2	0	0	6	0	1
Johnston.....	1	0	0	0	2	2	1	0	4	4	0	1	54	1	2		0	1	0	6	1	0
Orange.....	1	1	1	4	4	4	2	0	0	8	0	3	162				3	2	0	13	2	0
Beaufort.....	0	0	0	1	1	1	1	0	0	2	0	1	35				0	0	0	2	0	0
Dobbs.....	1	0	1	4	4	4	1	1	4	6	1	2	169				2	1	0	18	1	1
Artillery.....	1	0	0	2	3	1	1	0	2	6	0	2	110				4	5	2	28	4	1
Light Horse.....	0	0	0	1	0	0	0	0	0	0	0	0	22				1	1	0	23	0	0
Rangers.....	0	0	0	1	1	1	0	0	1	2	0	1	54				0	0	0	5	0	1
	8	2	2	22	22	20	10	2	20	24	2	17	917	1	2	2	16	11	2	126	19	7
Commissary.....																	4	12	0	48	12	1
Hospital.....																	2	2	0	8	2	
Wake.....	1	0	0	1	1	1	0	0	1	2	0	1	46		2	2	0	1	0	3	0	1
Light Infantry.....	0	0	0	1	1	1	1	0	1	2	1	0	54				1	1	0	12	1	0
Ammunition.....																	0	4	0	16	4	0
	9	2	2	24	24	22	11	2	22	28	3	18	1017	1	2	2	23	31	2	213	39	9

N. B.—The Wake Detachment and the Light Infantry did not join the Army before the 20<sup>th</sup> of May.

WM. TRYON.

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NEWBERN the 7<sup>th</sup> October 1770.

RICHARD HENDERSON ESQUIRE.

On my arrival at the Palace yesterday I received your letter of the 29<sup>th</sup> last month. The detail you give therein of the conduct and behaviour of those who stile themselves Regulators at the last Superior Court at Hillsborough is not less the subject of concern to me, than alarm to the security and wellbeing of the Civil rights of the Inhabitants of this Province.

I shall not here trouble you with my sentiments and abhorrence of such daring insults, having given Orders for a summons to issue immediately for the meeting of His Majesty's Council at Newbern when I shall lay before that Board your letter and consult on the properest measures to be taken on this case before the meeting of the General Assembly.

I much approve of the determination you took to break up the Court, as a continuance of it would only have given an opportunity to the enraged Mob of renewing their indignities and injuries both to the Court and its Officers.

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To Messrs James Watson, Robert Lytle, Thomas Hart, Francis Nash, William Johnston, James Thackston, and James Munro of Hillsborough.

NEWBERN 7<sup>th</sup> October 1770.

Effectually to remedy the outrages, indignities and injuries which you inform me by your letter of the 30<sup>th</sup> of last month has been offered to the Superior Court of Hillsborough and the Inhabitants of that Borough by an enraged Mob, requires the interposition of the Legislative Body. I rest under a full belief that every redress in their power will be lent to strengthen the arm of Government and make reparation for the sufferings of their injured countrymen, and this confidence is founded on the principle that every Member of Society has a perfect right to claim and to receive the protection of the community as long as he pays a due obedience to its constitutions. I have this day ordered a summons to issue for His Majesty's Council to meet me at Newbern as soon as possible when I shall lay before that Board your letter and consult on the proper measures to be taken in the present melancholy exigency of your affairs.

As the security and felicity of the Inhabitants of this Province are the Bounds of my ardent wishes in my publick character so are my resentments limited to those who seem for the present to have sub-

verted these blessings and despised their Sovereign's most gracious lenity so lately extended towards them.

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NEWBERN the 8<sup>th</sup> October 1770.

THE HON<sup>ble</sup> ALEXANDER McCULLOCH ESQUIRE,

The reports that have been made to me by M<sup>r</sup> Henderson Associate Judge, and the Inhabitants of Hillsborough Town, relative to the injuries done at the last Hillsborough Superior Court by the Insurgents oblige me to summon the Gentlemen of His Majesty's Council to meet me at Newbern on Thursday the 16<sup>th</sup> instant, to consult on the proper measures to be taken on the present melancholy exigency of Public affairs in Orange County. I trust therefore nothing will prevent my having the pleasure of seeing you at the Council Board at the above mentioned time.

As I have required M<sup>r</sup> Attorney's attendance as absolutely necessary, I guess you will travel in together.

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NEWBERN the 8<sup>th</sup> October 1770.

THOMAS M<sup>c</sup>GUIRE ESQ<sup>r</sup>

Upon opening your letter at my arrival at Newbern last Saturday, it was a matter of much surprize to find you had passed through the Town without waiting my return, in this critical situation of Public Affairs. By the Reports from M<sup>r</sup> Henderson, Associate Judge, as well as from the Inhabitants of the Borough of Hillsborough relative to the outrages that have been committed by the Insurgents at the last Superior Court at Hillsborough, I find it expedient to consult His Majesty's Council on the present unhappy exigency of Public Affairs; accordingly notice is given to the Gentlemen of the Council to meet me at Newbern on Tuesday the 16<sup>th</sup> instant, at which time I am under a necessity of requiring your attendance at the Council Board, as all other Public Business must submit to the consideration of an object of such importance as that so lately transacted at Hillsborough.

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Wrote to the Colonels of the Orange and Rowan Regiments the following letter.

NEWBERN 19<sup>th</sup> October 1770.

Whereas the Peace and good order of this Government has been lately violated and much injury done to the Persons and Properties

of many Inhabitants of this Province by a Body of People who stile themselves Regulators, I do by the advice of His Majesty's Council order and direct you forthwith to call a General Muster of so many of the Companies of the Regiment of Militia as you judge free from any engagements with those Insurgents, to be held at such place or places as you think most proper and make report to me as soon as possible of the number of Volunteers that are willing to turn out in the service of their King and Country when called upon, and also what number of effective men belong to your Regiment who can be ordered out in case of an emergency, and in case any further violence should be attempted to be committed by the Insurgents, you are also hereby directed to act with such part of your Regiment as you may find necessary in support of the authority of Government by assisting to the utmost of your power the Civil Magistrate in the execution of his duty, if he should find it necessary to call upon you for that purpose. Your diligent and punctual obedience to these Orders will be well received by

Your obed<sup>t</sup> servant

P. S. I inclose you two Proclamations one to be put up at the Court House, the other to be read at the Head of the Companies.

Wrote a copy of the following letter to the Colonels of every other Regiment in the Province except Orange and Rowan.

NEWBERN 19<sup>th</sup> October 1770.

[The same as the preceding letter, save that the Colonel was directed "to call a general muster of the Regiment and make report," &c.—EDITOR.]

To Captain Robert Howe, or in his absence to the commanding Officer at Fort Johnston.

NEWBERN 20<sup>th</sup> Nov<sup>r</sup> 1770.

I hereby require you to deliver to Captain Richards to put on board his Schooner the Polly to be brought to Newbern ten barrels of the best gunpowder in the magazine, six of the Swivel guns that are fixed on the top of the parapet in the Fort, with two hundred Balls for the same, half pounders, and as many of the firelocks and bayonets as are fit for service, reserving only fifteen for the use of the men in your garrison.

Your punctuality and diligence in executing the above Orders will give satisfaction to

Your humble servant.

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NEWBERN 20<sup>th</sup> Nov<sup>r</sup> 1770.

COLONEL JOHN SIMPSON,

From the Reports generally prevailing in the Country that the Body of People who stile themselves Regulators intend coming to Newbern during the sitting of the ensuing General Assembly to intimidate the Legislative Body, I think proper hereby to command you to assemble your Regiment on the first notice you can get that the Insurgents are on their march, and to obstruct and oppose them in their progress through the Country to Newbern, and even to repel force with force, but should you find it out of your Power to collect a sufficient number of men in time to effect that purpose, I must require you in case they do come down to follow them to Newbern with all possible expedition with your whole Regiment in order to protect the Legislature and preserve the Peace of the Government.

It will be necessary for you to load as many carriages with Provisions as will subsist your men for one week at the rate of one pound and a half of meat and one pound of flour for each man per day.

I cannot conclude without acknowledging the grateful sense I feel for the honorable return you have made me of the Volunteers of Pitt County, an example worthy the imitation of every County in the Province at this important crisis.

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NEWBERN 20<sup>th</sup> Nov<sup>r</sup> 1770.

COLONEL RICHARD CASWELL,

[Similar to the letter to Col. Simpson, save in the last two paragraphs.—EDITOR.]

It will be necessary for you to load as many carriages with Provisions as will subsist your men for fourteen days at the rate of one pound and a half of meat and one pound of flour for each man per day.

P. S. I should recommend it to you to drive as many Steers with your Regiment as may be sufficient to furnish the men with fresh meat during the above mentioned time.



Wrote Colonel John Hinton a copy of the preceeding letter as far as the last Paragraph, which was in his letter as follows—

It will be necessary for you to load as many carriages with flour and to drive as many Steers as will furnish your Regiment with Provisions for three weeks at the rate of one pound of flour and one pound and a half of meat to each man per day.

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NEWBERN the 4<sup>th</sup> December 1770.

COLONEL JOHN SIMPSON,

I received your letter of yesterday by M<sup>r</sup> Moore and immediately laid the same before His Majesty's Council in consequence of which a Detachment of the Craven Regiment of Militia are ordered to remain in Town until I receive further information from you whether the Regulators are or are not actually on their march and when we may expect them in Newbern; you will therefore not move your Regiment to Newbern until the Regulators have passed you if you find it impossible to obstruct them, which however I hope you will be able to do agreeable to the instructions I gave you in my letter of the 20<sup>th</sup> last month.

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NEWBERN 7<sup>th</sup> December 1770.

COLONEL JOHN SIMPSON,

I am much pleased with the active spirit you have shewn in calling your Regiment together on the alarm of the Regulators coming to Newbern as well as the alertness with which so large a Body of men then assembled on the short notice that was given them.

As the alarm seems to have passed over it will be sufficient to warn your men to be in readiness to turn out again if circumstances should require.

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NEWBERN 22<sup>d</sup> Dec<sup>r</sup> 1770.

COLONEL JAMES SAMPSON,

There being reasons to apprehend that the Insurgents may come down to Newbern to attempt to interrupt the Legislative Body now convened, I am to require you forthwith to give orders to the several Captains in your Regiments to hold their respective Companies in readiness to march on the earliest notice in support of the Peace and Safety of the Government.

You will at the same time appoint some convenient place for the Rendezvous of the whole Regiment that you may be able to assemble them as soon as possible when required.

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NEWBERN 24<sup>th</sup> Dec<sup>r</sup> 1770.

COLONEL JOSEPH LEECH.

As I find it necessary to Keep a Guard during the nights, till further Orders, on the Prison in this Town for the secure keeping of Prisoners, you will order from the Town Company, a Serjeant, a Drummer and six men to parade with their arms every evening at sunset before the Prison Ground, and after you or the Lieutenant Colonel has reviewed them the Serjeant will post two Centries about the Prison and the remainder of the Guard will lodge their arms and remain at the Guard room at M<sup>r</sup>. Setgreaves's all night ready to turn out upon any alarm. These Centries are to be relieved by two others every two hours from the said Guard until eight o'clock in the morning when the Guard may be dismissed and not before, immediately after which the Serjeant is to make a report to you of the names of the men on Guard and of all occurrences during the night, particularly if any men quit their post while Centry or leave the Guard Room without leave, which Report you will send to me by the Adjutant or an Officer of the Regiment every morning by nine o'clock—The Sergeant and men will be allowed the same pay as granted per day by the Militia Act and M<sup>r</sup> Setgreaves allowed for fire, candle and the use of the Guard Room. If any alarm should happen in the night you will immediately report it to me.

A copy of the enclosed Orders fairly transcribed you will order to be affixed up in the Guard Room *signed by yourself*.

The Orders referred to in the preceding letter follow viz<sup>t</sup>:

Orders and Regulations for the Guard of the Prison.

The Sergeant or Commanding Officer on no account to leave his Guard nor to allow more than one man at a time to be absent from the Guard, and frequently in the night to go round to see the Centries are alert on their Posts.

No man to quit his Post, nor to lay his Arms out of his hands while Centry or hold any conversation with the Prisoners, nor is the Centry to suffer any Person to converse with the Prisoners but in the presence of the Sheriff.

If any man quits his Post or leaves his Guard without leave, or gets drunk on duty, to have his pay for that Guard stopped from him and distributed to the men on Guard, and the Person guilty to be punished according to the nature of the offence.

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The Sergeant upon Guard, on an alarm to fire off a musket and to send a man of his Guard immediately after to acquaint the Colonel and Lieutenant Colonel of the nature of the alarm.

If any attempt is made for the release of the Prisoners two musket shots are to be fired which will be a signal for the Town Company immediately to get under arms, and the Captain to parade them between the Court House and Prison for the Protection of the Gaol and to prevent the escape of any Prisoner and to continue under Arms till they receive further Orders from the Commanding Officer of the Regiment.

The Centries to challenge all Persons coming near the Guard and to suffer no Person to come within reach of their Arms, and every half hour to call out in a loud voice "all is well."

These Orders to be read every night to the Guard and his Excellency expects the men will have spirit enough to pay a punctual obedience to the Regulations contained therein.

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Colonel Edmund Fanning or in his absence to the Commanding Officer of the Orange Regiment of Militia.

NEWBURN 26<sup>th</sup> Dec<sup>r</sup> 1770.

[Similar to the letter to Col. Simpson save that Col. Fanning is ordered to raise 300 men.—EDITOR.]

You will march with as much flour as will serve your men for three weeks, and if you are of opinion cattle cannot be procured on the march they must be drove with your Detachment.

You must not fail to send off an express to me immediately after you begin your march with the above Detachment.

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NEWBURN 30<sup>th</sup> January 1771.

COLONEL JOSEPH LEECH,

You will order from the Town Company a Serjeant and six men to patrol the streets in the night and to give notice to the Prison Guard in case they make any Discoveries of suspected persons about Town. This Guard will be continued till further Orders.

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NEWBURN 26<sup>th</sup> January 1771.

COLONEL JOHN FROHOCK,

From the attempts that have been already made in your County to overturn the Courts of Justice it is to be apprehended that something of the like nature may again happen, which if you find good reason to believe I do hereby require you to assemble not exceeding

five hundred men of the Rowan Regiment of Militia in order to protect the Courts of Justice and their Officers in your District and preserve the Public Peace against any Disturbers of the same.

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NEWBURN 28<sup>th</sup> January 1771.

CAPTAIN ROBERT HOWE,

By the first opportunity you will make me return of all the arms, accoutrements, Artillery and Stores in Fort Johnston agreeable to the usual Forms, also a Return of the number of effective men and the number of men wanting to compleat the Establishment as voted by a Resolve of the last Session of Assembly. This last return of the strength of the Garrison and the number of men wanting to compleat the present Establishment you will make up the first of every month and transmit to me by the General Post, at the same time certifying all Contingencies and Extraordinaries that may occur in the month preceeding such return.

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NEWBURN 28<sup>th</sup> January 1771.

CAPTAIN ROBERT HOWE,

As the several warlike preparations making in Europe afford the strongest reasons to believe war may soon break out between Great Britain and some of the European powers, it becomes necessary for me to order you with all possible diligence to compleat the Establishment of men allowed by the last Session of Assembly to Garrison Fort Johnston, as well as forthwith to provide and lodge in the Magazine within the Fort the Ammunition voted last Session by the Legislature for the defence of the Province,—when such Provision is made and secured as above you will certify to me the particular quality and quantity of the Ammunition so furnished, and the amount of the expence, that I may give Drafts upon the Treasurer for the same. If any of the Cannon Carriages, or the Platforms on which they stand want repair, you will immediately order them to be put into good order, and place the Charges thereof to the Public. You will lose no time in training and well disciplining the men under your Command, and at all times keep the soldiers to a regular and punctual discharge of Garrison Duty.

The strength of the Main Guard and number of Centries, you will order at your discretion, until further Orders. If there is anything else that you think would tend to the further security or defence of the Fort, you will report them to me in your Returns.

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NEWBERN 2<sup>nd</sup> February 1771.

COLONEL EDMUND FANNING OR IN HIS ABSENCE TO THE COMMAND-  
ING OFFICER OF THE ORANGE REGIMENT OF MILITIA,

Whereas many illegal and unwarrantable actions have been committed by the Insurgents of Orange County in defiance of all Civil Authority, I do hereby command you if upon any future occasion you have reason to expect the Insurgents intend further violence or opposition either to the Courts of Judicature, to the Sheriff or other Civil Officer in the collection of the Taxes or other discharge of their Duty, to raise such a Body of the Militia of your County as will be sufficient to protect the Courts or to aid and support the aforesaid Officers in the discharge of their respective Duties when by them required, as well as to oppose and repel all hostile attempts that may be made against the lives and Properties of the Inhabitants of the Town of Hillsborough and the Peace and good order of His Majesty's Government of this Province.

Notwithstanding the General Assembly is prorogued, in case you should find the Insurgents marching down to Newbern, you will observe and follow such Orders as I have given you in my letter bearing date the 26<sup>th</sup> of December 1770.

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NEWBERN the 6<sup>th</sup> February 1771.

COLONEL JOSEPH LEECH,

As I do not find further occasion for continuing the Patrole Guard in Town, you will this day discharge them, and until further Orders continue only the Prison Guard of a Serjeant and six men as usual.

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NEWBERN 7<sup>th</sup> Feb<sup>y</sup> 1771.

COLONEL EDMUND FANNING,

From the Informations I have received of the Insurgents determination to march to Newbern, I am induced to extend my Orders to you of the 26<sup>th</sup> December and 2<sup>nd</sup> of February (limiting you to two hundred men) to any number you can raise with Officers and Non Commission Officers in proportion (that is a Captain, Lieutenant and Ensign, two Serjeants, two Corporals and a Drummer to every fifty men) to carry into execution the purposes intended by those Orders; and I do hereby authorize you to take up on the Public<sup>c</sup> Credit all the Ammunition you can procure in Hillsborough, or the adjacent parts, for the use of the men you may march with, and

to satisfy the expence thereof I will give you Drafts on the Treasurers for the sum it may amount to, and also to satisfy the expence of what waggons and Provisions may be requisite for your Detachment.

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Wrote a Copy of the following letter to the Colonels of the Dobbs, Johnston and Wake Regiments.

NEWBERN 7<sup>th</sup> February 1771.

From the information I have received of the Insurgents determination to begin their march to Newbern on the 11<sup>th</sup> instant, I do hereby command you to hold your Regiment in readiness to march, to obstruct and oppose them, and even if necessary to repel force with force; should you find it out of your power to prevent them coming down, I must require you to follow them to Newbern with all expedition, with as many men as you can assemble in order to protect and secure the Public Peace.

It will be necessary for you to load as many carriages with flour and to drive as many Steers as will furnish your Regiment with Provisions for three weeks at the rate of one pound of flour and one pound and a half of meat to each man per day, and to take up from the Stores as much powder and lead as will be sufficient to supply your Detachment at the rate of half a pound of Powder and two pound of lead or shot for each man, to satisfy the expence of which Provisions and ammunition I will give you a Draft on the Treasurers, if the occasion should require. The proportion of Officers and Non Commission Officers for your Detachment will be a Captain, Lieutenant and Ensign, two Sergeants, two Corporals and a Drummer to every fifty men.

P. S. The men should take their Blankets and Kettles to cook with on their march.

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NEWBERN 7<sup>th</sup> February 1771.

COLONEL EDMUND FANNING,

At the same time the Express is sent to me from Hillsborough of the Insurgents being actually on their march to Newbern, I desire that other Expresses may be sent with the like information to the following Gentlemen, To Colonel James Sampson of Duplin, Colonel John Ashe of New Hanover, Colonel Richard Henderson of Granville, Colonel Nicholas Long of Halifax and Colonel Edward Vail

of Chowan. The information to Colonel Vail is only intended to give such Gentlemen and others in those parts notice as are willing to come into Newbern as Volunteers.

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NEWBERN 7<sup>th</sup> Feb<sup>ry</sup> 1771.

COLONEL RICHARD HENDERSON, .

Having received information that the Insurgents intend beginning their march to Newbern on the 11<sup>th</sup> instant I do hereby command you to hold your Regiment in readiness, and when you find the Insurgents have actually set out, assemble as many men as you can to pursue, harrass and obstruct them either on their march or retreat, and when you find it necessary to repel force with force.

It will be necessary for you to load as many carriages with flour and to drive as many Steers as will furnish your Regiment with Provisions for three weeks at the rate of one pound of flour and one pound and a half of meat to each man per day, and to take up from the Stores as much Powder as will be sufficient to supply your Detachment at the rate of half a pound of powder and two pounds of lead or shot for each man, to satisfy the expence of which Provisions and ammunition I will give you a Draft on the Treasurers if occasion should require.

The proportion of Officers and Non Commission Officers for your Detachment, will be a Captain, Lieutenant and Ensign, two Sergeants, two Corporals and a Drummer to every fifty men.

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NEWBERN 7<sup>th</sup> February 1771.

COLONEL JOHN ASHE.

I have received accounts from Hillsborough of the Insurgents determination to begin their march to Newbern on the 11<sup>th</sup> instant, and have given directions to M<sup>r</sup> Fanning to send off an Express directly to you, as soon as he finds they are actually on their march; I therefore am to command you to hold your Regiment in readiness to march to Newbern, in order to support the Constitution of the Country and Peace of Government, on the earliest notice you can get of the Insurgents being on their march down.

You will take care that provisions and Ammunition are provided for your Detachment and to defray the expence thereof I will give you a Draft on the Treasury.

Your active and vigorous spirit on this occasion will give much satisfaction to Sir,

Yours &c. &c.

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NEWBERN 7<sup>th</sup> Feb<sup>y</sup> 1771.

COLONEL WILLIAM CRAY.

[Similar to the letter to Colonel Ashe.—EDITOR.]

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NEWBERN 7<sup>th</sup> Feb<sup>y</sup> 1771.

COLONEL JOHN SIMPSON.

[Similar to the letter to Colonel Ashe.—EDITOR.]

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NEWBERN 7<sup>th</sup> Feb<sup>y</sup> 1771.

COLONEL JOHN SIMPSON.

I take this opportunity of enclosing to you the message I sent to the House of Assembly and their answer respecting the claim of the Pitt Regiment of Militia, and have the fullest expectation that if you attend in person at the next Session to support the same it will be allowed, as you may be assured if I am in the Province at that time I shall recommend it, and use my best endeavours to obtain what I think your Regiment have so equitable a title to, or should I return to England before the meeting of the Assembly I will leave it in request to the Commander in Chief for the time being to support the claim.

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NEWBERN 8<sup>th</sup> Feb<sup>y</sup> 1771.

COLONEL JOSEPH LEECH.

You will discharge the Prison Guard, not having any further occasion for them at present.

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NEWBERN 9<sup>th</sup> Feb<sup>y</sup> 1771.

COLONEL JOSEPH LEECH,

You will observe the following Orders. The Captains of the Craven Regiment to have a private muster of their respective Companies on Saturday the 16<sup>th</sup> instant and on Monday the 18<sup>th</sup> the whole Regiment to muster by 12 o'clock in Newbern, in order to remain in Town or march to join other Regiments in the District of Newbern as occasion shall require.

Each man to bring his blanket and a spare shirt and stockings and as many small kettles as he can conveniently.

Provisions will be supplied for the men during the time the regiment is embodied. Ammunition to be provided by the men agreeable to Law and what is further wanting will be supplied from the Magazine in Newbern.



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NEWBERN 9<sup>th</sup> Feb<sup>r</sup> 1771.

COLONEL WILLIAM THOMSON.

I have received accounts from the back Country of the Insurgents' determination to begin their march to Newbern on the 11<sup>th</sup> instant; I am therefore to command you to hold your Regiment in readiness to march to Newbern in order to support the Constitution of the Country and the Peace of Government, on the first notice you receive from me for that purpose, which may probably be about the end of next week or beginning of the week after.

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NEWBERN 13<sup>th</sup> February 1771.

THOMAS M<sup>c</sup>GUIRE ESQUIRE.

The Court of Oyer and Terminer being adjourned to Monday the 25<sup>th</sup> instant, when witnesses from Orange County are to attend and give evidence against some of the Insurgents, I take the opportunity by M<sup>r</sup> Walker to acquaint you that your attendance at that time will be requisite; therefore hope nothing will prevent my then seeing you. Considering in the present critical juncture of Public Affairs that you might wish to have some Counsel of eminence to assist you in the laborious and essential task of framing the Indictments as well as carrying on the Prosecutions against the Insurgents, I have renewed my application to M<sup>r</sup> Gordon which I mentioned to you. He tells me he is willing to give his aid if correspondent to your inclinations; should you therefore see with me the expediency and necessity of his being employed on this occasion, I shall with much satisfaction retain him as Counsel for the Crown: should you be of opinion that M<sup>r</sup> Marmaduke Jones would be likewise necessary for the same purposes, you may assure him that his abilities and services shall be properly acknowledged, though I apprehend the great distance will discourage his attendance.

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NEWBERN 13<sup>th</sup> January 1771.

RICHARD HENDERSON ESQUIRE.

The Court of Oyer and Terminer having been adjourned to the 25<sup>th</sup> of this month, when the witnesses against the Insurgents are to appear, I am to require your attendance at Newbern at that time, judging the matters that may then come under the consideration of the Court of Oyer and Terminer demand at least two Judges to determine on. The Law also directing that any Proclamation which

may issue against Persons indicted be signed by the Judges or Justices before whom the Court is held.

The Grand Jury not finding the Bill of Indictment against Hermon Husbands the Court discharged him.

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NEWBURN 19<sup>th</sup> February 1771.

COLONEL RICHARD CASWELL,

Your Dispatches of the 17<sup>th</sup> and 18<sup>th</sup> instant have been punctually received with the enclosures. I am much obliged to you for the prudent disposition you have made of your men and the active spirit you discover in these critical times. The assurances you give me of the cheerful resolution of your own and the neighboring Regiments in support of Government afford me the fullest assurance that we shall by their united aid be enabled to chastise the insolence of any who shall dare to offer any future violence to the persons or Properties of His Majesty's subjects in this Province. The Laws in force I trust in their operation will countenance us in that cause as well as redress the injuries already committed.

I hope to hear from you to-morrow by noon, whether the Insurgents are actually on their march or not, as I purpose to-morrow afternoon to dismiss the Craven Regiment at present assembled, if I do not hear the Insurgents are on their march concluding I shall have sufficient time to reassemble them at a short notice should there be future occasion for them.

I think it is not impossible the Insurgents may attempt to come down in a Body with such of their Party as they find stand indicted under the late Law in order to protect them on their Tryals.

When you are upon a certainty that the Insurgents are not on their march you may dismiss your men cautioning them to hold themselves in readiness to turn out again on the first notice you may find it necessary to give them, which at the distance I am from you must be left discretionary with yourself.

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NEWBURN 21<sup>st</sup> Feb<sup>y</sup> 1771.

COLONEL JOHN ASHE,

I take the opportunity of Mr Young to acquaint you that I have not had any accounts from Hillsborough respecting the Regulators since my letter to you of the 7<sup>th</sup> instant and as Colonel Needham Bryan of Johnston Regiment had no intelligence the 15<sup>th</sup> instant of

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their motion I incline to think the Insurgents are not on their march, and therefore yesterday discharged the Craven Regiment, who behaved with much spirit and order whilst on duty. There will be no occasion to keep your Regiment embodied as I am of opinion from the obstructions that will be thrown in the way of the Insurgents you will have sufficient time after you know they are actually on the march to assemble your Volunteers and go into Newbern before them.

I keep a messenger in readiness to give you the earliest intelligence I may receive of their motions.

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NEWBERN 21<sup>st</sup> Feb<sup>ry</sup> 1771.

COLONEL WILLIAM CRAY,

[Similar to the above letter to Colonel Ashe.—EDITOR.]

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NEWBERN 21<sup>st</sup> February 1771.

MR. CHRISTOPHER NEALE.

Having received intelligence that the Insurgents are returned back to their settlements I am to require you to dismiss your Detachment immediately.

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NEWBERN 21<sup>st</sup> Feb<sup>ry</sup> 1771.

COLONEL RICHARD CASWELL.

I thank you for your punctuality in sending me intelligence of the Regulators as well as for your prudence in the conduct of your Regiment. I should have been glad to have seen Colonel Bryan could he conveniently have proceeded on to Newbern. His intelligence w<sup>th</sup> you communicate to me of the Regulators' return to their Settlements was sufficient reason for your dismissing your Regiment. Should they make any further attempt to come to Newbern I approve of your and Colonel Bryan's determination to oppose them — You will send me the particulars of the Expences incurred by your Regiment.

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NEWBERN 21<sup>st</sup> February 1771.

COLONEL JOHN ASHE.

I send you enclosed a copy of Colonel Caswell's letter to me received this evening about two hours after M<sup>r</sup> Young left Town. As Husbards seems to have influenced his Mob to return to their Settlements, it is not probable that any further attempt will be

made by them to visit Newbern before the Riot Law compels the Ringleaders to come and take their Tryals, when the Insurgents may perhaps escort the accused with an expectation of skreening them from the justice due to their crimes.

I expect to hear more particulars of their conduct when the evidences come from the back Country the end of this week to prosecute the persons concerned in the Riots at Hillsborough. If anything of consequence you shall be informed.

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NEWBERN 21<sup>st</sup> Feb<sup>y</sup> 1771.

COLONEL WILLIAM CRAY.

I have this evening received intelligence from Colonel Caswell that the Regulators had begun their march to Newbern, but hearing just as they had crossed Haw River by letter from Husbands that he was released, they turned back and dispersed on Saturday last. They had seventeen wagons in Company and by their own Report 2200 men, though an Express of Colonel Hinton's was inclined to think there were very few more than 300 men and those well armed with small Arms.

I think it would be prudent to keep your men in the expectation of marching until the issue of the Indictments against the Rioters is determined, for it is possible they may form a plan of coming down with the accused to protect them on their Tryals.

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NEWBERN 27<sup>th</sup> February 1771.

FRANCIS NASH ESQUIRE.

I feel for the Distresses of the Inhabitants of Hillsborough and am anxious to afford them every security in my power, for this purpose I find it absolutely necessary to require that yourself, every Gentleman in Town as well as others who have any personal knowledge of the Riots at last Hillsborough Superior Court do attend in Newbern on the 11<sup>th</sup> day of March next (when another Court of Oyer and Terminer will be sitting) in order to furnish materials for indictments against the Insurgents. Without such previous steps essential to Government and to ground military operations upon I plainly see my further attention to the service of this Country will be ineffectual. In the expectation therefore that the Gentlemen and others will attend to give evidence at Newbern at the time above mentioned you may assure the Gentlemen I will most cheerfully provide a Body of Troops to support them and to bring the distractions of this Country

to a happy conclusion. But should they fail in their punctual attendance, as the evidences summoned to attend the 25<sup>th</sup> instant have failed to do, I shall certainly make use of His Majesty's leave of absence from this Government and speedily return to England where my military service may be required.

It is not thought expedient to send Subpœnas to the witnesses as they may tend to discover the intention with which you leave your Settlements, however I shall give warrants on the Treasury to the witnesses for such sums as they would be entitled to were they actually served with subpœnas.

Your answer with the resolution of the Gentlemen will fix the determination of  
Sir Your Obedient

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Wrote to Colonel Hinton and to Colonel Bryan each as follows:

NEWBERN 27<sup>th</sup> Feb<sup>r</sup> 1771.

I am to require you to make me a Return forthwith of the whole Expence of assembling your Regiment to prevent the Regulators marching to Newbern.

I much wish that you may be punctual and exact in this Return as any Charges omitted might perhaps be found difficult to get allowed afterwards by the Legislature especially as I purpose soon to return to England.

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NEWBERN 27<sup>th</sup> Feb<sup>r</sup> 1771.

MAURICE MOORE ESQUIRE.

M<sup>r</sup> Edwards having communicated to me the contents of your letter of the 22<sup>d</sup> instant signifying your desire of being present at the Court of Oyer and Terminer when the Insurgents are to be tried, I am to acquaint you that I have appointed Monday the eleventh of next month for holding another Court of Oyer and Terminer that already held being over and M<sup>r</sup> Edwards sets off to morrow morning to the Back Country to procure Witnesses who are to attend at that time to support the charges against these people when it will be highly necessary for you to give your attendance as M<sup>r</sup> Henderson I apprehend is too ill to come to Newbern.

I this morning informed M<sup>r</sup> Howard that I conceived his Majesty's service required and the Dignity of Government demanded that himself the two Associates and the Attorney General should all attend in person the next Hillsborough Superior Court on the 22<sup>nd</sup>

next month, I therefore give you this notice that you may not fail to attend that Court, being determined on my part the short time I shall continue in the Country to show no further Lenity to a People who have been so very regardless of the Clemency extended to them for former offences.

NEWBERN 27<sup>th</sup> February 1771.

THOMAS M<sup>c</sup>GUIRE ESQUIRE.

The favour of your letter reached me the 22<sup>nd</sup> Instant by which I was sorry to learn you was indisposed ; as I know you are a skilful Doctor to your Friends I make no doubt but that you have been before this a successful Physician to yourself. I took the Liberty to retain your servant three days here in Expectation that the Witnesses from Hillsborough would have attended agreeable to Subpœnas but they failing perhaps through Intimidation M<sup>r</sup> Chief Justice finishes the present Court tomorrow and immediately after I shall grant a Commission for a new Court of Oyer and Terminer to open the 11<sup>th</sup> of next month when Evidences will be ordered to appear, for which purpose M<sup>r</sup> Edwards sets off tomorrow for Hillsborough. Though M<sup>r</sup> Gordon is retained it would give me much satisfaction to have you on the spot, therefore depend on seeing you in Newbern before the 11<sup>th</sup> of March.

I this day acquaint M<sup>r</sup> Howard in Council that I conceived his Majesty's service required and the Dignity of the Government demanded that M<sup>r</sup> Chief Justice his Associates and M<sup>r</sup> Attorney General should all attend in Person the Hillsborough Superior Court on the 22<sup>nd</sup> of March next, and that if he was of opinion the Riot Law was not sufficient to secure the Court from Insult any number of Troops should be provided for the protection of the Court that the Council should think necessary. I am therefore under an obligation to require your personal attendance at the next Court at Hillsborough, being sensible it is a duty important and incumbent on you as well as the Judges at this time to attend, M<sup>r</sup> Howard purposes setting out after the Indictments are found. M<sup>r</sup> Henderson is at present ill of a Flux but trust nothing will prevent his meeting you on the 22<sup>nd</sup> of March at Hillsborough though he should not be able to attend here the eleventh of next month.

The Regulators were all in Hillsborough the 16<sup>th</sup> Instant The Inhabitants flying into the Woods. They kept Master of the Town till two o'clock at noon when they marched out in Triumph drums

beating without doing any injury to the Town. This forbearance I attribute to the virtue of the Riot Law a hopefull beginning; when I have the pleasure to see you here I shall have other matters for your consideration touching the Association. I have accepted M<sup>r</sup> Jones's [services] on the part of the Crown for the Tryals of such Insergents as may surrender themselves and I have wrote to him thereon.

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NEWBERN, March 1<sup>st</sup> 1771.

S<sup>r</sup>

Having this day issued a Commission of Oyer and Terminer to be held at Newbern on the 11<sup>th</sup> Instant when Matters of the highest Importance to the Peace and Security of this Government will come before the Court, It is my duty to recommend to you to make choice of and to summon none but Gentlemen of the first character repute and ability in your County to constitute the Grand Jury of that Court, Indifferently choosing the best Men without having any particular regard whether they are Magistrates or in any other public character.

As the whole Province is interested in this ensuing Court and the happiness and welfare of the Country depend on the uprightness and Integrity of its Members you will by a punctual and honest observance of the above regulations be the means of procuring Credit to your County, honor to yourself and benefit to your Countrymen who expect that Men of the most consequence and property should appear on the Grand Jury on so important an Occasion

I am &c

Copies of this letter I have sent to the several Sherifs within the District.

To the Sherif of ----- County.

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NEWBERN 16<sup>th</sup> March 1771.

THOMAS HART ESQUIRE.

As it is the Intention of Government to raise a Body of Men to suppress the Insurrections in the Western Counties I am to desire to know whether it will be agreeable to you to furnish for one month from the 20<sup>th</sup> of April next Five hundred Men with Provisions on the same Terms you supplied the Troops assembled at Hillsborough in 1768. If you incline to accept this offer you will send me your Bond properly executed for that purpose.

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NEWBERN 19<sup>th</sup> March 1771.

His Excellency gave orders for raising the following Numbers of Volunteers from the respective Counties to march against the Insurgents, viz<sup>t</sup>

From Craven	County	200.	Bute	County	50.
" Dobbs	"	200.	Wake	"	50.
" Pitt	"	100.	Edgecomb	"	50.
" Johnston	"	100.	Chowan	"	50.
" Carteret	"	100.	Bertie	"	50.
" New Hanover	"	100.	Tyrrell	"	50.
" Granville	"	100.	Mecklenburgh	"	300.
" Onslow	"	50.	Rowan	"	200.
" Bladen	"	50.	Anson	"	50.
" Cumberland	"	50.	Tryon	"	50.
" Duplin	"	50.	Hertford	"	50.
" Beaufort	"	50.	Hyde	"	50.
" Northampton	"	50.	Perquimans	"	50.
" Halifax	"	50.	Curretuck	"	50.
			Orange	"	200.

In all 2550 Men.

And wrote the following letter to those Colonels who were to furnish one hundred Men and upwards from their Regiments.

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NEWBERN 19<sup>th</sup> March 1771.

COLONEL JOSEPH LEECH.

See page 540 *ante*.

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NEWBERN 19<sup>th</sup> March 1771.

COLONEL JOHN HARVEY.

Though I am apprehensive your Situation lays too remote from the seat of the disturbances in this Country to give Government in time any aid to suppress the Insurgents I nevertheless out of respect to you take the Liberty to inform you that I purpose the last week in next month to begin my march from Newbern to Orange County so as to be if possible the first week in May in the Settlements of the Insurgents.



Inclosed is a Copy of the Letter of Instructions to the commanding Officers of the several Regiments of Militia. If you therefore think you can procure from the Counties of Pasquotank and Perquimans with the Assistance of Colonel Taylor a company of fifty men agreeable to the regulations inclosed and contrive so as they might be at Hillsborough the 6<sup>th</sup> of May next I should be glad then to take them under my command.

When they arrive at Hillsborough the Commissary will furnish them with Provisions at which time the Eight pence per Man per day will be stopped for the Commissary.

I take this opportunity to thank you for your kind present to me the last winter. Wishing you a perfect reestablishment of your health:

I am &c: &c:

P. S. I wish your son could command the company.

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NEWBERN 19<sup>th</sup> March 1771.

COLONEL MOSES ALEXANDER.

As I have come to a resolution by consent of my Council to March a Body of Troops from the Regiments of Militia of this Government it will be necessary that several Commissaries should be appointed for the service and as you acquitted yourself in that Department very much to my approbation in the late Hillsborough Expedition I am induced to make you the offer of being Commissary to the Mecklenburgh, Rowan and Tryon Detachments to supply the same with Ammunition Provisions and about fifty Camp Kettles, at the same time observing that it would be very agreeable to me could you make it so to yourself that Captain Polk should be equally interested and concerned with you in the undertaking.

From Colonel Harris you will learn the orders that are to be observed by the Mecklenburgh Detachment which I expect to see greatly animated by the zealous and spirited conduct of the several Officers of the Corps in so necessary and essential a service.

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Wrote Copies of the letter entered at page 41 to Colonel Robert Harris of Mecklenburg and Colonel John Frohock of Rowan and ordered the former to raise 300 Men and the latter 200— Wrote also to the Colonels of Anson and Tryon Copies of the letter entered under page 44 and ordered them to raise 50 men each and likewise to the Colonels of Hertford and Hyde for 50 men each.

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NEWBERN 25<sup>th</sup> March 1771.

COLONEL JAMES MOORE.

Having determined by consent of his Majesty's Council to march a Body of Troops taken from several Militia Regiments into the Settlements of the Insurgents to compel them to an obedience to Government I wish to know if the Command of an Artillery Company of Fifty Men with a small Train consisting of six swivel Guns will be agreeable to you as I shall take a pleasure in putting them under your command with the Rank and pay of Colonel to yourself. If you will undertake to raise the Men you shall have the appointment of the Officers to the Company viz<sup>t</sup>—one Captain and two Lieutenants. The men to have the same Bounty Money and furnished with the same necessaries as Colonel Ashe was ordered to furnish the Volunteers that march from his Regiment, he will let you see his Instructions on that Head. You may either march your Company to Newbern or accompany the Hanoverian Detachment until they join the Neuse Division near Colonel Bryan's in Johnston County, as I can order a Detachment from the Craven Regiment to take charge of the Artillery until the Junction of the Divisions. The Ammunition is provided and will move with the Artillery. Your answer by the return of the Post will oblige Sir

Your obed<sup>t</sup> serv<sup>t</sup>

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WILMINGTON 30<sup>th</sup> March 1771.

COLONEL ROBERT SCHAW.

Having determined by consent of his Majesty's Council to march a Body of Forces taken from several Militia Regiments into the Settlements of the Insurgents to compel them to an obedience to Govern<sup>mt</sup> I do hereby appoint you to the command (with the Rank and pay of Colonel) of the Artillery Company and Train of Artillery that will march with the Detachment of Men from the Western Frontiers under the conduct of General Waddell. The Artillery Company to consist of one Captain two Lieutenants two Serjeants two Corporals one Drummer and Fifty private men. If you will undertake to raise this Company you shall have the Nomination of the Officers. The same Bounty Money Pay Provisions and Necessaries will be allowed your Men as the Men of the other Regiments are intitled to viz<sup>t</sup> Forty shillings Bounty Money two shillings per day for pay (eight pence being stopped for the Commissary who

furnishes provisions) with a pair of Leggings Haversack and Cockade to every Man, the Ration of Provisions to be one pound of Pork and one pound of flour or one pound and a half of fresh beef instead of Pork and one pound and a half of Corn Meal instead of Flour when ordered.

General Waddell who you are to obey will give you directions when you are to embody your Company and the time and place of your joining the Forces ordered under his command.

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NEWBERN 30<sup>th</sup> March 1771.

COLONEL JOHN ASHE.

You will embody the forces ordered to be raised from the New Hanover Regiment of Militia any day after the Twentieth day of next month in order to march them to Lieutenant Colonel Bryan's in Johnston County by the thirtieth of the same month.

They will then join the several Detachments ordered from the Counties lying on Neuse River where you will receive further orders.

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NEWBERN 30<sup>th</sup> March 1771.

COLONEL JAMES RUTHERFORD.

Wrote him a Copy of the preceeding Letter.

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NEWBERN 30<sup>th</sup> March 1771.

COLONEL JAMES SAMPSON.

Wrote him a Copy of the preceeding Letter with this difference that he was ordered to embody his Men any time after the 24<sup>th</sup> of next month.

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WILMINGTON 30<sup>th</sup> March 1771.

COLONEL JAMES MOORE.

You will embody the Company of Artillery you have Orders to raise under your command any day after the 20<sup>th</sup> of next month in order to march them to Lieutenant Colonel William Bryan's in Johnston County by the 30<sup>th</sup> of the same month. They will then join the several Detachments ordered from the Counties lying on Neuse River when you will receive further orders.

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Wrote to the Colonels of Rowan Mecklenburg, Tryon and Anson a Copy of the following letter.

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WILMINGTON 30<sup>th</sup> March 1771.

Having appointed by Commission Hugh Waddell Esquire General of the Forces raised or to be raised to suppress the Insurgents in the back Settlements of this Province I have by special Instructions empowered him to embody the several Detachments ordered from the Western Counties and to march them into the Settlements of the Insurgents to join the Forces that are under orders to march from the Southern and Eastern parts of the Province in order to compel the Insurgents to a perfect obedience to Government. You will therefore assemble properly equipped the number of Officers and Men as required in my Letter to you of the 19<sup>th</sup> Instant at such time and place as the General shall appoint who will then receive and march the Detachment under his command. The Commissary will provide also the number of Waggon quantity of Provisions and ammunition that the General shall direct and in all things obey his orders.

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WILMINGTON 30<sup>th</sup> March 1771.

COLONEL JOHN FROHOCK,

I am willing to attribute the principles of your late conduct with respect to the Regulators to motives of preservation to your property and a consciousness of having in the execution of your Office taken Fees not warranted entirely by Law.

Sensible of the embarrassments you must be under as the commanding officer of the Rowan Regiment of Militia under such a situation I am ready to excuse your taking an active part in the Expedition now forming against the Insurgents and to intrust Lieutenant Colonel Lindsay with the command of the Forces that are ordered to be raised from Rowan County for the purpose of compelling the Insurgents to an obedience to Government.

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ONSLOW COUNTY April 1<sup>st</sup> 1771.

COLONEL WILLIAM CRAY,

You will embody the Forces ordered to be raised from the Onslow Regiment of Militia any day after the Twentieth of this month at such time and place as you shall think proper and march them the most convenient Rout to Lieutenant Colonel William Bryan's in Johnston County by the Thirtieth instant. They will then join the several Detachments ordered from the Counties lying on Neuse

River when you will receive further orders. It will be necessary for you to provide provisions to subsist your Men till they join the Detachments at Colonel Bryan's from which time they will be furnished by the Commissary.

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NEWBERN 2<sup>d</sup> April 1771.

COLONEL WILLIAM HAYWOOD,

I received this evening your letter of the 30<sup>th</sup> of last month and in answer am to inform you that it is in my opinion highly improper to open an account with the Treasury for so small sums as forty shillings in a Warrant, therefore if you have not men of spirit and ability sufficient among yourselves to enable you to comply with the spirit of my Instructions of the 19<sup>th</sup> March I shall endeavour to settle the disturbances of the Country without the assistance of your County depending on such Countys as are now acting with success under the same general Instructions you have received. Therefore trust the men of Edgecombe will not show themselves backward in the service of their Country on this Emergency.

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Wrote Copies of the following letter to the Colonels of the Counties of Tyrrell Chowan Bertie Edgecombe Hertford Northampton Halifax Bute and Granville.

NEWBERN 3<sup>d</sup> April 1771.

You will embody the Forces ordered to be raised from the ----- Regiment of Militia so as to march them by the most convenient route into Hillsborough by the sixth of May next. They will then join the other Detachments ordered to Rendezvous at that place when you will receive further orders. It will be necessary for you to furnish Provisions for your Men while on their march to Hillsborough as the Commissary will not deliver out Provisions till their arrival in that town.

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NEWBERN 3<sup>d</sup> April 1771.

COLONEL ROBERT PALMER Beaufort

COLONEL JOHN SIMPSON Pitt, and

COLONEL JOHN SMITH of Hyde

You will embody the Forces ordered to be raised from the *Hyde-Beaufort-Pitt* Regiment of Militia any day after the twenty-second of this month in order to march them to Lieutenant Colonel William Bryan's in Johnston County by the thirtieth of the same month.

They will then join the several Detachments ordered from the Counties lying on Neuse River where you will receive further orders.

Wrote each of the above Gentlemen the same letter.

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NEWBERN 3<sup>d</sup> April 1771.

JOHN BURGWIN ESQUIRE.

I am to desire the favor of you to give the Warrants on the Treasury to the Officers to whom they are directed viz<sup>t</sup> General Waddell Colonels Ashe Moore and Schaw also the several Commissions as addressed — You will take separate Receipts for the Warrants and transmit to me by the Bearer Captain Dawson together with the Papers I left with you of M<sup>r</sup> Strudwick's.

I had a pleasant journey back to Newbern. The Expedition afforded me much satisfaction being highly pleased with the general spirit that I was witness to at Wilmington and the distinguished Civilities that were conferred on me by the Gentlemen then in Town.

Make my proper compliments to the General and the Gentlemen who are concerned in this Dispatch to whom I should have wrote should time have permitted. I send a Haversack as a Pattern for the several Detachments.

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NEWBERN 3<sup>d</sup> April 1771.

Wrote Colonel John Woodhouse a Copy of the Circular letter, under page 44 and directed him to bring his Company in a sloop to Newbern by the 20<sup>th</sup> Instant.

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NEWBERN 4<sup>th</sup> April 1771.

COLONEL RICHARD CASWELL.

You will embody the Forces ordered to be raised from the Dobbs Regiment of Militia so as to march them the most convenient Route to Lieutenant Colonel William Bryan's in Johnston County by the thirtieth of this month, they will then join the other Detachments ordered to Rendezvous at that place when you will receive further orders.

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NEWBERN 4<sup>th</sup> April 1771.

Wrote Colonel Richard Caswell a Letter in which there was a paragraph as follows viz<sup>t</sup>: Your Letter of yesterday was delivered this afternoon by M<sup>r</sup> M<sup>r</sup>Kinnie; to remedy the inconvenience you

say you Labor under in recruiting Business for want of Money I send you a Draught on the Southern Treasurers for six hundred pounds on account.

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NEWBERN 4<sup>th</sup> April 1771.

COLONEL NEEDHAM BRYAN.

You will embody the Forces ordered to be raised from the Johnston Regiment of Militia at Lieutenant Colonel William Bryan's by the 30<sup>th</sup> of this month. They will then join the Detachments ordered to Rendezvous at that place when you will receive further orders.

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NEWBERN 4<sup>th</sup> April 1771.

COLONEL JOHN HINTON.

You will embody the Forces ordered to be raised from the Wake Regiment of Militia at Major Theophilus Hunters by the thirtieth of this month and wait with them at that place until you receive further orders.

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NEWBERN 5<sup>th</sup> April 1771.

COLONEL WILLIAM THOMSON.

You will embody the Forces ordered to be raised from the Carteret Regiment of Militia so as to march them into Newbern the first of this month when you will receive further orders.

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NEWBERN 5<sup>th</sup> April 1771.

JOHN FROHOCK AND ALEXANDER MARTIN ESQ<sup>rs</sup>

[See page 545 *ante*.—EDITOR.]

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Wrote Colonel Edmund Fanning a Copy of the Letter of the 19<sup>th</sup> March entered under page 41, and directed him to raise 200 Men from the Orange Regiment, wrote him also the following letter viz<sup>t</sup>

NEWBERN 6<sup>th</sup> April 1771.

You will embody the Forces ordered to be raised from the Orange Regiment of Militia in the Town of Hillsborough on the 5<sup>th</sup> of May next but in case you judge the Motions of the Insurgents should make it necessary for you earlier to assemble your Troops you may use your discretion in this respect and march them if you think proper to join the Forces on their March from Newbern.

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NEWBERN 6<sup>th</sup> April 1771.

COLONEL JOSEPH LEECH.

You will embody the Forces ordered to be raised from the Craven Regiment of Militia in the Town of Newbern on the Twenty second of this month and march them to Lieutenant Colonel William Bryan's in Johnston County by the 30<sup>th</sup> of the same month whence they will join the Cape Fear Division of Troops ordered to Rendezvous at that place. You will then receive further orders.

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NEWBERN 12<sup>th</sup> April 1771.

COLONEL EDWARD VAIL.

I have received your letter of the 8<sup>th</sup> Instant wherein you request as a necessary means to carry into Execution the orders you received from me of the 19<sup>th</sup> of March that I would give you a Warrant on the Treasurer for three hundred pounds; so large a sum I conceive unnecessary for the immediate services of raising and furnishing Fifty Men, however in consideration of your great distance and that no obstacle may impede your County from furnishing on this important call the Quota of Men required, I herewith transmitt to you a Warrant on the Northern Treasurer for two hundred pounds proc: which is fifty pounds more than I have given to other Commanders of Regiments who have received orders similar to your own.

The Spirit at Cape Fear and in this Neighborhood on this Emergency is worthy the imitation of every well wisher of this Country.

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NEWBERN 12<sup>th</sup> April 1771.

COLONEL EDWARD BUNCOMBE.

In Compliance with the request of your letter of the 10<sup>th</sup> Instant I transmit you a Warrant on the Northern Treasurer for the sum of £150 proc: for the purposes therein mentioned.

That the vigorous exertion of your truly public spirit may meet with every possible success is the hearty wish of

Sir your obed<sup>t</sup> serv<sup>t</sup>

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NEWBERN 13<sup>th</sup> April 1771.

COLONEL JOHN ASHE.

I have drawn on you since the 30<sup>th</sup> March the following Warrants



for the immediate services for carrying on the Expedition against the Insurgents viz<sup>t</sup>

April 3<sup>rd</sup> 1771.

Hugh Waddell	£2000
Samuel Cornell	1000
John Ashe	400
James Moore	300
Robert Schaw	300
Joseph Leech	600
William Thomson	300
Richard Caswell	600
Robert Palmer	150
William Cray	150
John Simpson	300

£6100 In all.

NEWBERN 13<sup>th</sup> April 1771.

THOMAS M<sup>c</sup>GUIRE ESQ<sup>rs</sup>

I am to desire you will forward the Warrants inclosed as directed by the most early safe and convenient opportunities which I conclude will offer themselves during the sitting of Halifax Court.

The recruiting Business proceeds with Spirit and Success and the Necessary Preparation is in great forwardness for the March.

List of the Warrants and Sums herewith transmitted, viz<sup>t</sup>

Colonel Richard Henderson	£300
John Harvey	150
William Haywood	150
William Johnston	150
Benjamin Wynns	150
Nicholas Long	150
Allan Jones	150
Thomas Whitmill	150.

Sent Colonel Benjamin Wynns Colonel Thomas Whitmill Colonel John Harvey Colonel Allan Jones Colonel Nicholas Long Colonel William Johnston Colonel William Haywood each a Warrant on the Northern Treasurer for £150—and wrote them all the following letter.

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NEWBURN 13<sup>th</sup> April 1771.

I herewith transmitt to you a Warrant on the Northern Treasurer for one hundred and fifty pounds proc: for paying the Bounty money and other necessary expences of the Troops ordered to be raised from your County. You will acknowledge to me the Receipt of the Warrant the first opportunity.

Sent Colonel Henderson also a Warrant on the Northern Treasurer for £300. Sent also to Colonel James Sampson and Colonel John Smith each a Warrant on the Southern Treasurer for £150 with the preceeding letter to them dated the 15<sup>th</sup> April

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NEWBURN 13<sup>th</sup> April 1771.

THOMAS HART ESQUIRE.

I received yours of the 6<sup>th</sup> instant with the contract inclosed by your Express last evening and am well pleased that you have undertaken the victualing of the Troops. The Ration of Provisions allowed per day to each man is one pound of pickled Pork and one pound of Flour, in lieu thereof one pound and a half of fresh Beef and one pound and a half of Corn Meal when ordered—The Troops that will be within your department to furnish with Provisions are those which march from the Counties of Pasquotank Perquimans Chowan Bertie Hertford Northampton Edgecombe Halifax Bute Granville and Orange. They may amount to nearly one thousand Men including the Gentlemen Volunteers.

The Waggon you are to send down will be very acceptable and if Mr Hogan has not already ordered half a dozen more to be at Colonel Bryan's the 29<sup>th</sup> Instant I wish you would engage that number to be there at that time exclusive of those ordered here.

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NEWBURN 18<sup>th</sup> April 1771.

COLONEL EDWARD BUNCOMBE,

Mr Campbell has I don't doubt before this delivered you my letter of the 12<sup>th</sup> April with a Warrant for £150 proc: inclosed; I have therefore only to observe here that I entirely approve of your drafting whatever number of men may be wanting to complete the Company ordered from your Regiment in case there is a deficiency of Volunteers.

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NEWBERN 18<sup>th</sup> April 1771.

COLONEL EDWARD VAIL,

In my answer to your letter of the 8<sup>th</sup> instant I inclosed a Warrant of £200 and sent it by M<sup>r</sup> Campbell before I received your other letter of the 14<sup>th</sup> by Express; I have therefore only now to observe that I entirely approve of your plan of drafting a sufficient number of the ablest Men to make up the Complement ordered from your Regiment in case there is a deficiency of Volunteers.

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NEWBERN 18<sup>th</sup> April 1771.

CAPTAIN FARQUHAR CAMPBELL,

As M<sup>r</sup> Burgwin informs me you are willing to undertake the raising a Company in Cumberland County to march against the Insurgents I herewith inclose you a Warrant on the Southern Treasurer for £150 for paying the Bounty Money to the Men and such other necessary charges as may be incurred in raising them----I send you also a Captain's Commission to command the Company and two blank Commissions for your Lieutenant and Ensign—This Company of fifty men and the Company I have already given orders to Colonel James Rutherford to raise of 50 Men will complete the one hundred men M<sup>r</sup> Burgwin informs me you think can be raised from Cumberland—If time will not permit your Company to join the Detachments ordered to rendezvous at Colonel Bryan's the 30<sup>th</sup> Instant you may either join General Waddell's Detachment from the Westward or the forces from the Eastward as you judge most expedient.

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NEWBERN 18<sup>th</sup> April 1771.

COLONEL JOHN ASHE.

I received yours of the 16<sup>th</sup> Instant this morning by your son and agreeable to your desire herewith transmit you a Warrant for £142 9 0 the amount of the pay of the Officers and Men of your Regiment assembled last February to oppose the Insurgents.

I am well pleased to hear that your Companies are Complete and that you are in so much forwardness for marching; you will be joined by many other Detachments the 30<sup>th</sup> Instant at Colonel Bryan's.

If your Intelligence be true respecting Husbands it is very prob-

able he may be stopped at Charles Town and delivered up to the Justices of this Province.

You may let John Walker have Twenty or Thirty pounds<sup>s</sup> on account of the allowance made him to provide a Waggon as Sutler.

NEWBERN 18<sup>th</sup> April 1771.

COLONEL JOHN ASHE,

I have drawn on you the following Warrants since my letter of the 13<sup>th</sup> Instant.

April 15 <sup>th</sup> to Colonel John Smith	£150
“ “ Colonel James Sampson	150
“ 18 <sup>th</sup> Colonel James Rutherford	150
“ “ Farquhar Campbell	150
“ “ John Ashe	142

£742 9 0 together.

NEWBERN 21<sup>st</sup> April 1771.

RICHARD BLACKLEDGE ESQUIRE.

As the Detachment from Carteret County is arrived you are to supply them immediately with Rations for one Days Provisions agreeable to contract and continue so to do until further orders. You are also to deliver to the Detachments as they arrive from the other Counties Provisions in the same manner observing to take Receipts from the Commanding Officers of Companies of the respective Corps for each days delivery which will be your vouchers.

22<sup>nd</sup> April 1771.

M<sup>r</sup>. JACOB MITCHELL.

I understand you have two Waggons for hire; I desire you would have them in Town with Horses as also a Man to drive each of them by eight o'clock tomorrow morning without fail for the public service.

NEWBERN April 23<sup>rd</sup> 1771.

COLONEL JOSEPH LEECH,

You will take under your command and march from this Town to Colonel William Bryan's in Johnston County a Train of Artillery consisting of two Brass field pieces and four swivel Guns mounted in carriages (two swivel Guns will go with the Carteret Detachment)

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and deliver them to Colonel Moore Commander of the Artillery who will be there to receive them the 30<sup>th</sup> Instant. Two Ammunition Waggon's will accompany the Train; The Commissary's carriage will be escorted by the Rangers the Baggage of each Detachment will march with their respective Corps. My Baggage and the Hospital Waggon will be under your Escort when they join your Detachment.

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NEWBERN April 23<sup>rd</sup> 1771.

COLONEL THOMSON.

You will take under your command and march from this Town to Colonel William Bryan's in Johnston County two swivel Guns mounted on Carriages and deliver them to Colonel Moore Commander of the Artillery who will be there to receive them the 30<sup>th</sup> Instant. The Baggage of each Detachment will march with their respective Corps, you are to keep Company with the Craven Detachment.

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NEWBERN April 23<sup>rd</sup> 1771.

CAPTAIN CHRISTOPHER NEALE

You will take under your Escort and march from this Town to Colonel William Bryan's in Johnston County the Commissary's carriages observing to keep Company with the Craven and Carteret Detachments that they may be regularly supplied with Provisions.

The Baggage of each Detachment will march with their respective Corps.

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NEWBERN April 23<sup>rd</sup> 1771.

RICHARD BLACKLEDGE ESQUIRE.

As the Detachments now in Town march to-morrow you are to accompany them with necessary Provisions and supply them regularly therewith. Captain Neale with his Company of Rangers will escort your carriages.

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NEWBERN 25<sup>th</sup> April 1771.

COLONEL LEECH,

Having appointed Mr Campbell Deputy Adjutant General to the Forces marching against the Insurgents with the Rank of Lieutenant he will join your Camp and be ready to give any assistance you may require of him before I join the Forces which at present I do

not propose to take under my command till the Junction of the Neuse and Cape Fear Divisions.

I shall visit your Camp on Sunday Noon.

April 26<sup>th</sup> 1771.

COLONEL FANNING OR IN HIS ABSENCE TO THE COMMANDING OFFICER OF THE ORANGE REGIMENT.

You will forthwith order a Lieutenant Serjeant Corporal and twenty Men from the Orange Regiment of Militia to mount Guard at Mr Hart's Mill for the Protection of the Provisions laid up there for the use of the Forces and in case you find that the Insurgents have formed a design of destroying them you may order any greater number you may think necessary as a further security.

GENERAL WAIDELL,

COLONEL WILLIAM BRYAN'S JOHNSTON COUNTY.

May 1<sup>st</sup> 1771.

I have experienced much satisfaction on the Receipt of your dispatches; the first from Mecklenburg met me on Sunday last near Mr Miller's on Neuse the other dated from Salisbury the 27<sup>th</sup> ult: is just put into my hands by Express.

I flatter myself the difficulties and fatigue you have struggled with in raising the Troops required will be recompenced by a happy issue to our important undertaking.

I shall have in this Camp to night the Detachments from the Neuse Tar and Cape Fear Divisions amounting to nearly eight hundred Men exclusive of the Detachments I expect to join me on the March—General Gage has furnished me with some Brass Cannon and the necessary ammunition which will be up here with the Neuse Division this evening. The men are well satisfied with the service and seem determined to do their duty with Spirit and Order—If you think by leaving a Captain or other Officer behind you could get a few more men to follow you in a week or ten days you will use your own discretion in this point. I apprehend I shall not be able to get the Troops to the place of Destination before the 13<sup>th</sup> or 14<sup>th</sup> instant. They will move from this Camp Friday afternoon. It may therefore be advisable [to be] out of the heart of the Settlement of the Insurgents till after the first week in May so as to meet me on the 13<sup>th</sup> or 14<sup>th</sup> instant at the appointed place of Rendezvous.

Accept my Compliments to yourself and Officers.

I am with much regard. .

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HAW RIVER 13<sup>th</sup> May 1771.

THE CHIEF JUSTICE AND THE TWO ASSOCIATES.

As I have already several prisoners and it is highly probable that in a few days I shall have many more I have thought proper by and with the advice and consent of his Majestys Council to appoint a Court of Oyer and Terminer to be held at Hillsborough on the 30<sup>th</sup> of this instant May at which place and time I require the attendance of every one and expect that without any delay or excuse you do not fail. The Superior Courts that interfere must not be held at present.

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14<sup>th</sup> May 1771.

THO<sup>s</sup> M<sup>c</sup>GUIRE ESQUIRE.

Having determined by consent of His Majesty's Council to hold a Court of Oyer and Terminer at Hillsborough the 30<sup>th</sup> of this Instant May for the Tryal of several Prisoners that are now in Custody as well as for others that may be taken by that time I am to require you without fail to give your attendance there at that time. No other part of your Duty will be considered a sufficient Reason for not attending at Hillsborough at the time above mentioned.

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14<sup>th</sup> May 1771.

MARMADUKE JONES ESQUIRE.

On the 30<sup>th</sup> of this Instant May I have appointed a Court of Oyer and Terminer to be held at Hillsborough for the Tryal of the Insurgents at which time it will give me much satisfaction to see you and have your assistance in the prosecutions for the Crown; from the assurances you have given me I shall rest in full confidence of seeing you at the time appointed.

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ALAMANCE CAMP 18<sup>th</sup> May 1771.

GENERAL WADDELL.

I received your Dispatches of the 10<sup>th</sup> Instant and immediately called a Council of War and communicated the contents to them who approved with me of the honorable and prudent Retreat you made over the Yadkin—I have the Felicity to congratulate you on the Victory obtained by the Troops under my command over the Rebels on the 16<sup>th</sup> Instant. This Success of his Majesty's Arms I

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imagine will make your march to meet me entirely secure; I therefore require you immediately to march with the Troops you command to join the Army under my Command as soon as possible.

I cannot particularly fix the place you will find me but it will be between Sandy Creek and the Yadkin. If however you find it unsafe to march to join me you will use your own discretion on the occasion.

Our killed and wounded amount to near seventy those of the Enemy cannot yet be ascertained but conjectured at two or three hundred. The Artillery was well served and made great execution. The inclosed declaration will testify my sentiments on that days action.

We shall be glad if you could secure three or four loads of Flour for the Army and convey them to us.

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ROYAL CAMP 21<sup>st</sup> May 1771.

CHIEF JUSTICE AND ASSOCIATES.

As it is probable the Army may not return to Hillsborough with the Prisoners that are to be tryed by the 30<sup>th</sup> Instant I am to desire you if this should be the case to adjourn the Court of Oyer and Terminer from day to day until the Prisoners are there ready for Tryal.

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SANDY CREEK 23<sup>rd</sup> May 1771.

GENERAL WADDELL.

The Army is now encamped at Hermon Husbards's and it will take me some days to settle the Country in these parts. The Inhabitants come in fast to submit themselves to Government. I think it expedient you should march and join me as soon as possible; however should you foresee any obstructions in this plan you will acquaint me therewith that I may send you such reinforcements to meet you on your march as will facilitate our Junction.

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SANDY CREEK CAMP 23<sup>rd</sup> May 1771.

COLONEL MARTIN ARMSTRONG LIEUTENANT COLONEL LANIER AND OTHERS.

I received your letter dated the 20<sup>th</sup> instant, I am willing that you should advance towards the Army for the purpose of restoring the Peace of the Country But require you to halt when you come within five miles of his Majesty's Forces and send me an Express that you may receive further orders from me.



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SANDY CREEK CAMP May 24<sup>th</sup> 1771.

COLONEL FANNING.

You will immediately march with the Orange Detachment under your command to Cox's Mill and secure all the flour there for his Majesty's service. You may on your march make small Detachments to apprehend any of the outlaws that may be sculking in the Neighbourhood — after the performance of these services you are to join the army at the upper Ford of Deep River.

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HILLSBOROUGH 10<sup>th</sup> May 1771.

GENERAL WADDELL.

The Army arrived here yesterday in good health and in High Spirits. I shall be at the place of Rendezvous at the time appointed from whence I shall be happy to carry into execution in concert with you the most vigorous measures in the support of Government and the invaluable Rights of the Constitution — The Army with me is formidable from the unanimity that subsists through all Ranks independent of its Numbers which with its Officers included will be little short of two thousand men. I have a good Train of Artillery well provided with Ammunition — General Gage sent me some Brass Cannon from New York which fortunately arrived at Newbern the day before we marched.

Perhaps this letter may fall into the Enemy's hands; if it should my operations will be the same and the principles of my actions invariable. My heart feels a generous warmth in the cause in which I am enlisted and I trust I shall pursue it with an ardor that will not discredit the confidence that is reposed in my conduct by both officers and Soldiers under my command.

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SANDY CREEK CAMP 23<sup>rd</sup> May 1771.

CAPTAIN SIMON BRIGHT.

You will take under your command your own and Captain Sheppard's Companies of the Dobbs Detachment march them to Dixon's Mill take possession of the same and make report to me of the quantity of flour and grain therein and load four Waggons with flour or corn whichever can be had, when the Detachment under the command of Colonel Hinton returns from Lindsay's Mill you will join them and march back to camp, but should Colonel

Hinton require your assistance you will immediately march to reinforce him.

Made Requisitions from the Settlements hereafter mentioned to furnish the Army with the following Quantities of Provisions:

	Steers.	B <sup>bls</sup> Flour
Sandy Creek Pole Cat and Alamance Sett <sup>mts</sup> -----	40	20
Deep River and Richland Creek-----	20	10
Abbots Creek-----	30	20
New Garden-----	20	10
Buffaloe-----	30	10
Rocky River-----	30	10
Haw Fields-----	30	20
Cane Creek-----	--	48
Reedy Fork and Haw-----	10	--
North side of Yadkin-----	15	10
South side of Yadkin in and above the Fork-----	30	20
Wolf Island Hogans and Moons Creek-----	30	10
Haw River from Haw Fields to Simpson's Mill--	20	10
Hico-----	60	60
Reedy Fork Haw and Troublesome-----	10	5
Grassy Creek-----	40	20

25<sup>th</sup> May 1771.

GENERAL WADDELL,

I have made a Requisition of thirty good Steers and twenty Barrels of good Flour from the Inhabitants of Abbot's Creek for the use of the Army to be delivered at George Miller's by the 30<sup>th</sup> Instant. I therefore desire you will appoint some person to take charge of these articles and bring them on for the use of the Troops under your command.

SANDY CREEK CAMP May 26<sup>th</sup> 1771.

GENERAL WADDELL,

As most of the Inhabitants on the North side of Deep River and many on the South side in the whole amounting to above thirty hundred have come into Camp and submitted themselves to Government, and your continuing near Salisbury can be of no real advantage to the Public service, I am to require you to join me as soon as possi-

ble with the Forces under your command at the upper Ford of Deep River where the trading path crosses.

I have not heard from you since your Dispatches of the 10<sup>th</sup> Instant.

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SANDY CREEK CAMP May 26<sup>th</sup> 1771.

COLONEL FANNING,

As the badness of the weather yesterday and to day has prevented the Army from marching as intended, I have dispatched off the Rangers with Provisions for your Corps. You will remain on the North side of Deep River until further orders, sending me an account every morning of the state and condition of your Detachment and of all extraordinaries that may happen.

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SANDY CREEK CAMP P. M. May 26<sup>th</sup> 1771.

GENERAL WADDELL,

I wrote to you this morning to require you to join the Army with the Forces you have raised as soon as possible, should therefore any Impediment prevent this Junction of our Forces on the North side of Deep River I would have you leave the Troops you have assembled to the command of some prudent Officer and wait upon me in Person with all dispatch.

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SANDY CREEK CAMP 27<sup>th</sup> May 1771.

ROBERT HOGG, ARCHIBALD MACLAINE and WILLAM HOOPER,

I have been favored with your letter of the 23<sup>rd</sup> instant by Express. I entertain the most favorable and grateful sentiments of the Spirit and Loyalty which you have testified by your late exertions for the Public Service. Since the action at Alamance of the 16<sup>th</sup> Instant upwards of fourteen hundred of the Inhabitants have come into Camp and submitted themselves to Government, and as from the general reports through the Settlements many more will come in agreeable to my Proclamation of Pardon as soon as the weather will permit and they are informed of the Proclamation, and as I cannot learn that there are any Body of Men collected to oppose Government and the Army is in high Spirits, I am satisfied we are fully sufficient to restore Peace to the Country without putting the Public or Individuals to any additional expence by raising of new Forces—Agreeable to your request I transmit to you an account of the Battle

of Alamance and am with much respect and esteem to yourselves and constituents,

Gentlemen.

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MORAVIAN CAMP June 7<sup>th</sup> 1771.

GENERAL WADDELL.

As it was the unanimous opinion of the Council of War held this morning that a sufficient number of Forces should be sent into the Southern and Western Counties to force the Inhabitants to a submission to Government, You will take under your command the several Detachments and Corps of Artillery mentioned in the after orders of this day with which you will march into such Counties to the Southward and Westward of Orange County as you may think necessary or the public service may require and to repel Force by Force. Many of the Men being bare footed you will take up as much leather as may be necessary to make them shoes for which you will give Receipts on account of the Public.

Should the public Service require twenty five Light Horse you may form that number under a Captain and at any time when Horses are wanted you may order them to be impressed for the service observing at the same time to discharge them when you can be supplied with fresh ones.

You will frequently report the state and condition of the army and your proceedings and follow such orders and directions as you may receive from me or the Commander in Chief for all time being. You are to fill up all Vacancies during the service as high as a Captain inclusive.

As soon as the service you are going upon is performed you will disband your Army and order the Commanding Officer of the Detachments to march their Men into their respective Counties and then dismiss them.

For any further directions I refer you to my letter of the 29<sup>th</sup> March last.

Most sincerely wishing that success and honor may attend yourself and Corps I am with real esteem—

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STONE'S CREEK CAMP 20<sup>th</sup> June 1771.

COLONEL JOHN ASHE.

Having received his Majesty's commands to repair to New York I have much satisfaction in leaving the Army under your command

You will observe the Public Orders of yesterday and I am to recommend to you to preserve good order and discipline both in Camp and on the March and in all things to give such Orders and Directions as shall best promote his Majesty's service and the good of this Province. The Prisoners enlisted in the King's service will be guarded from Colonel Bryan's to Newbern by the Craven Detachment. The Prisoners York and Wilcox Guarded to Wilmington by the New Hanover Detachment, the first to be shipped to his brother the latter to be delivered up to a Civil Magistrate with the Deposition of Ensign Welsch which I herewith inclose

Permit me to assure you I entertain a grateful sense of your Public Services and am with much esteem S<sup>r</sup> &c

The following Warrants were drawn on the 'Treasurers for the Expences of assembling the Militia to oppose the Insurgents on their March to Newbern to release Hermon Husbands.

March 15 <sup>th</sup>	1771.	To William Thomson, on either of	
		them for .....	£137. 3. 6
" 18 <sup>th</sup>	"	To Richard Caswell do.....	359.13. 8
" "	"	Needham Bryan do.....	63.12. 4
" 21.		Richard Blackledge do.....	95.9.5.
		Samuel Cornell do.....	95.9.5. 190.18.10
April 19 <sup>th</sup>		Joseph Leech .....	547. 4. 6
April 18 <sup>th</sup>		John Ashe .....	142. 9. 0

#### LETTER FROM ATTICUS TO GOVERNOR TRYON.\*

[Reprinted from Martin's History of North Carolina.]

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE.

"I am too well acquainted with your character to suppose you can bear to be told of your faults with temper. You are too much of the soldier, and too little of the philosopher, for reprehension. With this opinion of your Excellency, I have more reason to believe that

\*This letter, which appeared in the Virginia Gazette of November 7, 1771, was written, Judge Martin says, by Maurice Moore, then one of the associate justices of the Superior court in North Carolina.—EDITOR.

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this letter will be more serviceable to the province of New York than useful or entertaining to its Governor. The beginning of your administration in this province was marked with oppression and distress to its inhabitants. These, Sir, I do not place to your account; they are derived from higher authority than yours. You were, however, a dull, yet willing instrument, in the hands of the British Ministry, to promote the means of both. You called together some of the principal inhabitants of your neighborhood, and in a strange, inverted, self-affecting speech, told them that you had left your native country, friends, and connexions, and taken upon your self the government of North Carolina, with no other view than to serve it. In the next breath, Sir, you advised them to submit to the Stamp Act, and become slaves. How could you reconcile such baneful advice with such friendly profession? But, Sir, self-contradictions with you have not been confined to words only; they have been equally extended to actions. On other occasions you have played the governor with an air of greater dignity and importance than any of your predecessors; on this, your Excellency was meanly content to solicit the currency of stamped paper in private companies. But alas! ministerial approbation is the first wish of your heart; it is the best security you have for your office. Engaged as you were in this disgraceful negotiation, the more important duties of the governor were forgotten, or wilfully neglected. In murmuring, discontent, and public confusion, you left the colony committed to your care, for near eighteen months together, without calling an assembly. The Stamp Act repealed, you called one; and a fatal one it was! under every influence your character afforded you, at this Assembly, was laid the foundation of all the mischief which has since befallen this unhappy province. A grant was made to the crown of five thousand pounds, to erect a house for the residence of a governor; and you, Sir, were solely intrusted with the management of it. The infant and impoverished state of this country could not afford to make such a grant, and it was your duty to have been acquainted with the circumstances of the colony you governed. This trust proved equally fatal to the interest of the province and to your Excellency's honor. You made use of it, Sir, to gratify your vanity, at the expense of both. It at once afforded you an opportunity of leaving an elegant monument of your taste in building behind you, and giving the ministry an instance of your great influence and address in your new government. You, therefore,

regardless of every moral, as well as legal obligation, changed the plan of a province-house for that of a palace, worthy the residence of a prince of the blood, and augmented the expense to fifteen thousand pounds. Here, Sir, you betrayed your trust, disgracefully to the governor, and dishonorably to the man, This liberal and ingenious stroke in politics may, for all I know, have promoted you to the government of New York. Promotions may have been the reward of such sort of merit.

“Be this as it may, you reduced the next Assembly you met to the unjust alternative of granting ten thousand pounds more, or sinking the five thousand they had already granted. They chose the former. It was most pleasing to the governor, but directly contrary to the sense of their constituents. This public imposition upon a people, who, from poverty, were hardly able to pay the necessary expenses of government, occasioned general discontent, which your Excellency, with wonderful address, improved into a civil war.

“In a colony without money, and among a people almost desperate with distress, public profusion should have been carefully avoided; but unfortunately for the Country, you were bred a soldier, and have a natural, as well as acquired fondness for military parade. You were instructed to run a Cherokee boundary about ninety miles in length; this little service at once afforded you an opportunity of exercising your military talents, and making a splendid exhibition of yourself to the Indians. To a gentleman of your Excellency’s turn of mind, this was no unpleasing prospect; you marched to perform it in a time of profound peace, at the head of a Company of Militia, in all the pomp of war, and returned with the honorable title, conferred on you by the Cherokees, of Great Wolf of North Carolina. This line of marked trees and your Excellency’s prophetic title, cost the province a greater sum than two pence a head, on all the taxable persons in it for one year would pay.

“Your next expedition, Sir, was a more important one. Four or five hundred ignorant people, who called themselves Regulators, took it into their head to quarrel with their representative, a gentleman honored with your Excellency’s esteem. They foolishly charged him with every distress they felt; and, in revenge, shot two or three musket balls through his house. They at the same time rescued a horse, which had been seized for the public tax. These crimes were punishable in the Courts of law, and at that time the criminals were amenable to legal process. Your Excellency and your con-

fidential friends, it seems, were of a different opinion. All your duty could possibly require of you on this occasion, if it required anything at all, was to direct a prosecution against the offenders. You should have carefully avoided becoming a party in the dispute. But, Sir, your genius could not lie still; you enlisted yourself a volunteer in this service, and entered into a negotiation with the Regulators, which at once disgraced you and encouraged them. They despised the governor who had degraded his own character by taking part in a private quarrel, and insulted the man whom they considered as personally their enemy. The terms of accommodation your Excellency had offered them were treated with contempt. What they were, I never knew; they could not have related to public offences; these belong to another jurisdiction. All hopes of settling the mighty contest by treaty ceasing, you prepared to decide it by means more agreeable to your martial disposition, an appeal to the sword. You took the field in September, 1768, at the head of ten or twelve hundred men, and published an oral manifesto, the substance of which was, that you had taken up arms to protect a Superior Court of justice from insult. Permit me here to ask you, Sir, why you were apprehensive for the Court? Was the Court apprehensive for itself? Did the judges, or the Attorney-general address your Excellency for protection? So far from it, Sir, if these gentlemen are to be believed, they never entertained the least suspicion of any insult, unless it was that, which they afterwards experienced from the undue influence you offered to extend to them, and the military display of drums, colors, and guards, with which they were surrounded and disturbed. How fully has your conduct, on a like occasion, since testified, that you acted in this instance from passion, and not from principle! In September, 1770, the Regulators forcibly obstructed the proceedings of Hillsborough Superior Court, obliged the officers to leave it, and blotted out the records. A little before the next term, when their Contempt of Courts was sufficiently proved, you wrote an insolent letter to the judges, and attorney-general, commanding them to attend to it. Why did you not protect the Court at this time? You will blush at the answer, Sir. The Conduct of the Regulators, at the preceeding term, made it more than probable that those gentlemen would be insulted at this, and you were not unwilling to sacrifice them to increase the guilt of your enemies.

"Your Excellency said, that you had armed to protect a Court.



Had you said to revenge the insult you and your friends had received, it would have been more generally credited in this Country. The men, for the trial of whom the Court was thus extravagantly protected, of their own accord, squeezed through a crowd of soldiers, and surrendered themselves, as if they were bound to do so by their recognizance.

"Some of these people were convicted, fined and imprisoned; which put an end to a piece of Knight-errantry, equally aggravating to the populace and burthensome to the Country. On this occasion, Sir, you were alike successful in the diffusion of a military spirit through the Colony and in the warlike exhibition you set before the public; you at once disposed the vulgar to hostilities, and proved the legality of arming, in cases of dispute, by example. Thus warranted by precedent and tempered by sympathy, popular discontent soon became resentment and opposition; revenge superseded justice, and force the laws of the country; Courts of law were treated with contempt, and government itself set at defiance. For upwards of two months was the frontier part of the country left in a state of perfect anarchy. Your Excellency then thought fit to consult the representatives of the people, who presented you a bill which you passed into a law. The design of this act was to punish past riots in a new jurisdiction, to create new offences and to secure the collection of the public tax; which, ever since the province had been saddled with a palace, the Regulators had refused to pay. The jurisdiction for holding pleas of all capital offences was, by a former law, confined to the particular district in which they were committed. This act did not change that jurisdiction; yet your Excellency, in the fullness of your power, established a new one for the trial of such crimes in a different district. Whether you did this through ignorance or design can only be determined in your own breast, it was equally violative of a sacred right, every British subject is entitled to, of being tried by his neighbors, and a positive law of the province you yourself had ratified. In this foreign jurisdiction, bills of indictment were preferred, and found as well for felonies as riots against a number of Regulators; they refused to surrender themselves within the time limited by the riot act, and your Excellency opened your third campaign. These indictments charged the crimes to have been committed in Orange county in a distinct district from that in which the Court was held. The Superior Court law prohibits prosecution for capital offences in any other district, than that in which they were committed. What distinctions the gentlemen

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of the long robe might make on such an occasion I do not know, but it appears to me those indictments might as well have been found in your Excellency's kitchen; and give me leave to tell you, Sir, that a man is not bound to answer to a charge that a court has no authority to make, nor doth the law punish a neglect to perform that, which it does not command. The riot act declared those only outlawed who refused to answer to indictments legally found. Those who had been capitally charged were illegally indicted, and could not be outlaws; yet your Excellency proceeded against them as such. I mean to expose your blunders, not to defend their conduct; that was as insolent and daring as the desperate state your administration had reduced them to could possibly occasion. I am willing to give you full credit for every service you have rendered this country. Your active and gallant behaviour, in extinguishing the flame you yourself had kindled, does you great honor. For once your military talents were useful to the province; you bravely met in the field, and vanquished, an host of scoundrels, whom you had made intrepid by abuse. It seems difficult to determine, Sir, whether your Excellency is more to be admired for your skill in creating the cause, or your bravery in suppressing the effect. This single action would have blotted out for ever half the evils of your administration; but alas, Sir! the conduct of the general after his victory, was more disgraceful to the hero who obtained it, than that of the man before it had been to the governor. Why did you stain so great an action with the blood of a prisoner who was in a state of insanity? The execution of James Few was inhuman; that miserable wretch was entitled to life till nature, or the laws of his country, deprived him of it. The battle of the Allemance was over; the soldier was crowned with success, and the peace of the province restored. There was no necessity for the infamous example of an arbitrary execution, without judge or jury. I can freely forgive you, Sir, for killing Robert Thompson, at the beginning of the battle; he was your prisoner, and was making his escape to fight against you. The laws of self-preservation sanctified the action, and justly entitle your Excellency to an act of indemnity.

"The sacrifice of Few, under its criminal circumstances, could neither atone for his crime nor abate your rage; this task was reserved for his unhappy parents." Your vengeance, Sir, in this instance, it seems, moved in a retrograde direction to that proposed in the second commandment against idolaters: you visited the sins

of the child upon the father, and, for want of the third and fourth generation to extend it to, collaterally divided it between brothers and sisters. The heavy affliction with which the untimely death of a son had burthened his parents, was sufficient to have cooled the resentment of any man whose heart was susceptible of the feelings of humanity; yours, I am afraid, is not a heart of that kind. If it is, why did you add to the distresses of that family? Why refuse the petition of the town of Hillsborough in favor of them and unrelentingly destroy, as far as you could, the means of their future existence? It was cruel, Sir, and unworthy a soldier.

“Your conduct to others after your success, whether it respected person or property, was as lawless as it was unnecessarily expensive to the Colony. When your Excellency had exemplified the power of government in the death of a hundred Regulators, the survivors to a man became proselytes to government; they readily swallowed your new-coined oath, to be obedient to the laws of the province, and to pay the public taxes. It is a pity, Sir, that in devising this oath you had not attended to the morals of those people. You might easily have restrained every criminal inclination, and have made them good men, as well as good subjects. The battle of the Allamance had equally disposed them to moral and to political conversion; there was no necessity, Sir, when the people were reduced to obedience, to ravage the country or to insult individuals.

“Had your Excellency nothing else in view than to enforce a submission to the laws of the Country, you might safely have disbanded the army within ten days after your victory; in that time the Chiefs of the Regulators were run away, and their deluded followers had returned to their homes. Such a measure would have saved the province twenty thousand pounds at least. But, Sir, you had farther employment for the army; you were, by an extraordinary bustle in administering oaths, and disarming the Country, to give a serious appearance of rebellion to the outrage of a Mob; you were to aggravate the importance of your own services by changing a general dislike of your administration into disaffection to his Majesty's person and government, and the riotous conduct that dislike had occasioned into premeditated rebellion. This scheme, Sir, is really an ingenious one; if it succeeds you may possibly be rewarded for your services with the honor of knighthood.

“From the 16<sup>th</sup> of May to the 16<sup>th</sup> of June, you were busied in securing the allegiance of rioters, and levying contributions of beef

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and flour. You occasionally amused yourself with burning a few houses, treading down corn, insulting the suspected, and holding courts-martial. These Courts took cognizance of civil as well as military offences, and even extended their jurisdiction to ill breeding and want of good manners. One Johnston, who was a reputed Regulator, but whose greatest crime, I believe, was writing an impudent letter to your lady, was sentenced, in one of these military courts, to receive five hundred lashes, and received two hundred and fifty of them accordingly. But, Sir, however exceptionable your conduct may have been on this occasion, it bears little proportion to that which you adopted on the trial of the prisoners you had taken. These miserable wretches were to be tried for a crime made capital by a temporary act of Assembly, of twelve months' duration. That act had, in great tenderness to his Majesty's subjects, converted riots into treasons. A rigorous and punctual execution of it was as unjust, as it was politically unnecessary. The terror of the examples now proposed to be made under it was to expire, with the law, in less than nine months after. The sufferings of these people could therefore amount to little more than mere punishment to themselves. Their offences were derived from public and from private impositions; and they were the followers, not the leaders, in the crimes they had committed. Never were criminals more justly entitled to every lenity the law could afford them; but, Sir, no consideration could abate your zeal in a cause you had transferred from yourself to your sovereign. You shamefully exerted every influence of your character against the lives of these people. As soon as you were told that an indulgence of one day had been granted by the Court to two men to send for witnesses, who actually established their innocence, and saved their lives, you sent an aid-de-camp to the judges and attorney-general, to acquaint them that you were dissatisfied with the inactivity of their conduct, and threatened to represent them unfavorably in England, if they did not proceed with more spirit and dispatch. Had the Court submitted to influence, all testimony on the part of the prisoners would have been excluded; they must have been condemned, to a man. You said that your solicitude for the condemnation of these people arose from your desire of manifesting the lenity of government in their pardon. How have your actions contradicted your words! Out of twelve that were condemned, the lives of six only were spared. Do you know, Sir, that your lenity on this occasion was less than that of the

bloody Jeffries in 1685? He condemned five hundred persons, but saved the lives of two hundred and seventy.

“In the execution of the six devoted offenders, your Excellency was as short of General Kirk in form, as you were of Judge Jeffries in lenity. That general honored the execution he had the charge of with play of pipes, sound of trumpets and beat of drums; you were content with the silent display of colors only. The disgraceful part you acted in this ceremony, of pointing out the spot for erecting the gallows, and clearing the field around for drawing up the army in form, has left a ridiculous idea of your character behind you, which bears a strong resemblance to that of a busy undertaker at a funeral. This scene closed your Excellency’s administration in this country, to the great joy of every man in it, a few of your contemptible tools only excepted.

“Were I personally your Excellency’s enemy, I would follow you into the shade of life, and show you equally the object of pity and contempt to the wise and serious, and of jest and ridicule to the ludicrous and sarcastic. Truly pitiable, Sir, is the pale and trembling impatience of your temper. No character, however distinguished for wisdom and virtue can sanctify the least degree of contradiction to your political opinions. On such occasions, Sir, in a rage, you renounce the character of a gentleman, and precipitately mark the most exalted merit with every disgrace the haughty insolence of a governor can inflict upon it.

“To this unhappy temper, Sir, may be ascribed most of the absurdities of your administration in this country. It deprived you of every assistance men of spirit and abilities could have given you, and left you, with all your passions and inexperience about you, to blunder through the duties of your office, supported and approved by the most profound ignorance and abject servility.

“Your pride has as often exposed you to ridicule as the rude petulance of your disposition has to contempt. Your solicitude about the title of Her Excellency for Mrs. Tryon, and the arrogant reception you gave to a respectable company at an entertainment of your own making, seated with your lady by your side on elbow-chairs, in the middle of the ball-room, bespeak a littleness of mind, which, believe me, Sir, when blended with the dignity and importance of your office, renders you truly ridiculous.

“High stations have often proved fatal to those who have been promoted to them; yours, Sir, has proved so to you. Had you been

contented to pass through life in a subordinate military character, with the private virtues you have, you might have lived serviceable to your country, and reputable to yourself; but, Sir, when, with every disqualifying circumstance, you took upon you the government of a province, though you gratified your ambition, you made a sacrifice of yourself.

Yours &c,

“ATTICUS.”

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## EARLY GERMAN REFORMED SETTLEMENTS IN NORTH CAROLINA.

BY REV. G. WILLIAM WELKER.

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### THE GERMANS IN NORTH CAROLINA.

It has been the misfortune of the Germans who at an early date settled in North Carolina, not to have an historian at a time when it was yet possible to collect the facts relating to their immigration into this colony. At this date it is scarcely possible to make an intelligent or interesting account respecting their coming hither. Records there are few, and only such as may be found in patents and deeds for land in the Department of State at Raleigh, and in the several oldest county records where they located their homes. It seems as if they never supposed that it would be of any interest to any of their posterity, or the general public of the State, to know who they were, whence they came or what part they had in laying the foundation for the future character and greatness of the State. Even the records of their several churches are so scant and imperfect, or by neglect have been lost, to a degree that they afford but little material at this time from which to collect any satisfactory account of their origin, or the names of those who were astir in this work. Most that now can be ascertained is gleaned from lingering tradition that still hovers about the old houses of worship, and over the graves of the venerable dead who in the wilderness reared these monuments to God and their faith. To the work of collecting facts and dates years have been given with only limited success; but, meagre as is the result, what has been rescued is now given to fill a hiatus in the Colonial and Revolutionary History of North Carolina. All diligence has been given as to the correctness of the statements,

and traditions have been compared to get the truth, yet it is possible some errors may be found in this record of a people whose character and work should be recovered from oblivion,

The German immigration to America grew out of the fearful results of the thirty years' war that had desolated their native land and made existence there intolerable. After this came the French invasion of the Rhine territory. By this the grand home of the Palatines, who were Protestants, was made a houseless waste. For these sufferers the new world opened an asylum. William Penn gave the heartiest and freest invitation to his colony. Queen Anne of England offered a refuge and means of succour. Thousands left their native land by way of England to reach a home in the wilderness. Most of these were aided to reach the colony of Pennsylvania, which for a time seemed to become largely Germanized. Among them were also Huguenots (French Protestants), who on the revocation of the edict of Nantes had fled to Germany and now came with their co-religionists to America.

This influx of Germans, Swiss and French into Pennsylvania began about 1707. Many had come over previous to this and as early as 1682. During the period from 1727 to 1775 the archives of the colony of Pennsylvania record the names of more than 30,000 persons who landed at the port of Philadelphia. It is from this colony that the German immigrants to North Carolina to a great extent came. A colony of Palatines and Swiss founded New Berne in 1710, whose history may be had in any North Carolina history. We shall confine ourselves to the immigrants from the colony of Pennsylvania to the Carolinas. The most valuable lands in Pennsylvania east of the Alleghanies were taken up. The Proprietors of Carolina offered very advantageous terms to settlers. The resources of salubrious climate and unrivalled fertility of soil, that made it a very paradise, soon attracted these industrious people hither. At this time one-third of the population of the Province of Pennsylvania were Germans. Their overflow into North Carolina was so profuse, that in 1785 the Germans from Pennsylvania alone numbered upwards of 15,000. Of the 30,000 names given in the State archives of Pennsylvania, a very large number can be found to-day among the Germans of North Carolina, and one who goes from the region populated by the Germans in North Carolina to Eastern Pennsylvania will find almost every familiar name in the counties of Berks, Schuylkill, Northampton, Lebanon, Dauphin, etc., in that State.

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The territory in which the Germans settled in North Carolina was largely that which is now embraced in the counties of Alamance, Guilford, Randolph, Davidson, Forsyth, Stokes, Rowan, Cabarrus, Stanly, Lincoln, Gaston, Catawba and Burke. Pennsylvania certainly contributed in her German and Scotch-Irish emigrants a valuable population to this Colony. They were a widely different people from those that Germany now sends to our large cities. Morse, in his "American Universal Geography," in the edition of 1789, in speaking of the Germans of Pennsylvania, says: "The Germans compose about one-quarter of the inhabitants of Pennsylvania. They are most numerous in the north part of the city of Philadelphia, and in the counties of Philadelphia, Montgomery, Bucks, Dauphin, Lancaster, York and Northampton. They consist of Lutherans (who are the most numerous sect), Calvinists or Reformed, Moravians, Catholics, Mennonists, Tunkers and Zwingfelters, who are a species of Quakers. These are all distinguished for their temperance, industry and economy. The Germans have usually about a fourth of the members of the Assembly, and some of them have arisen to the first honors of the State and now fill a number of the higher offices. Pennsylvania is much obliged to the Germans for improvements in agriculture." Rupp quotes Governor Thomas as saying: "This Province has been for some years the asylum of distressed Protestants of the Palatinate and other parts of Germany; and I believe it may with truth be said that the present flourishing condition of it is in a great measure owing to *the industry of these people*; it is not altogether the goodness of the soil, but the number and industry of the people that make a flourishing country." These are the people that have given a valuable population to the several counties named, and to this day the characteristics of their ancestors are still found in their descendants.

It could be asked, Why is it that such valuable citizens should make so little show in the affairs of the State? One reason is given above—their unobtrusive character, their devotion to agriculture, their industry in making a home. Their ambition did not lie in the direction of public affairs. The ambition to lead, to rule, to mingle in the conflicts of politics did not move in their hearts. But another cause was that they were incapacitated for such public service by their want of facility in the use of the English language, which was necessary for command in the field as well as for efficiency in civil and political offices. They were ready in these stirring times for



any duty of the citizen whenever the exigency of affairs called for their services. When the Cherokee Indians rose in murderous revenge they met the call to repel and drive them back. Even from Guilford they marched to the aid of the West in that emergency. In the war of the Regulation they were in full sympathy with those who resisted the oppression, and the Germans of Orange and Guilford were in that disastrous fight on the Alamance. Yet their common use of a language not used in the public business of the State always depressed them to subordinate positions. Those who came from Pennsylvania all came from schools and churches where only the German language was heard. Many could neither read nor speak English, or understand it when spoken by others, and even to-day in the rural districts of those counties from which the Germans came to Carolina they have German schools; preaching is in German. In the homes a species of German called "Pennsylvania Dutch" is yet spoken, and it was this the German ancestors spoke who came to Carolina, and was still, in the memory of living men, used here, and may be yet in the homes of Davidson and Rowan. Perhaps this, after all, was no heavy loss—not to be able to aspire to office and direction—but it had a serious effect to weaken the churches of German origin by depleting them of the rising generations who were learning to speak and understand English. Nevertheless, a few Germans, before and during the war of the Revolution, were able to make themselves felt in the events happening about them—Barringer, of Mecklenburg; Forney, of Lincoln, and Goertner, of Guilford.

As the Germans in North Carolina severally adhered to the German Reformed, the Lutheran and the Moravian Churches, it may be proper here to say that, as the Moravian and Lutheran Churches have their own historians, what may yet be said shall be in the main confined to the Reformed people and their churches. The Moravians are settled mainly in the town of Salem, in Forsyth County, and in the surrounding country. They are a most estimable people. From the beginning of the German settlements in North Carolina the Reformed and Lutherans were very closely allied, and nearly all their churches were union churches, where on alternate Sabbaths they worshipped, and this is still the case in a number of congregations. The members of these churches are also greatly intermarried, so that passing from one communion to the other has never been a difficult question. Indeed, they did not make any account of the

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confessional differences, and really knew no difference. In a paper before the writer, when the two confessions agree to unite in the building of a house of worship, they give as a reason for such union that, "Since we are both united in the principal doctrines of Christianity, we find no difference between us except in name." So little account in early days was made of any difference, that Boger, a student for the ministry in the Reformed Church, studied theology under Storch, a Lutheran minister. It is also known that this same Reverend Storch indoctrinated a class of Catechumens in the Heidelberg Catechism (the doctrinal symbol of the Reformed Church); and confirmed them as members of that church. Our plan is to notice the Reformed congregation organized by the German settlers, who have aided in giving to North Carolina her sturdy and honest character. It may be proper to say that, in the title deeds for church property, the Reformed Church is known as the "*Calvin church*" — "*German Presbyterian church*" — as the "*Reformed Evangelical church*" — as "*Dutch Presbyterian*," and "*Calvinist congregation*." These Reformed Churches were composed of members of the Reformed Church in Switzerland, Germany and France, who dissented from Luther's doctrine on the Lord's Supper, and were followers of Zuinglius and Calvin on this point of severance, and held to the presbyterial form of government in the church. Their doctrinal symbol is the Catechism of Heidelberg. That these Swiss Palatines and Huguenots were ardently and intelligently attached to their faith and religious customs admits of no doubt. There can yet be found in old Reformed families the bibles, catechisms, hymn-books, prayer-books and sermons that bear the imprint of publishers in the Fatherland, as also Sauers of Germantown, who so long was the only printer of German books in this country. The early German settlers in North Carolina not only brought their religious books with them, but they had scarcely reared a log cabin and cleared a few acres of land, when there was built in some accessible place a school-house, that also served as a place of worship. After better days a more comfortable house of worship was reared, but hard by it the school-house still held its place, where the children and youth were by the school-master (that ever essential character in every German community), taught the rudiments of education in German, the Fatherland tongue. In those early days this people were better supplied with school-teachers than with ministers of the gospel. In many cases the teacher did duty also

as minister. The immigrants from Pennsylvania, in few cases, if any, brought their ministers with them, for such was the paucity of German ministers in Pennsylvania that none could be spared as missionaries from the pressing needs of the home field. In this case those sturdy Christian people were wont to meet in their places of worship on the Sabbath, when, after joining in one of those grand and inspiring German melodies, some more gifted one led them in prayer, and then the school-teacher read a sermon, selected from those of some eminent divine of their faith of Colonial or Fatherland fame. The great scarcity of ministers among the Germans of North Carolina was a great source of anxiety to them, for they placed great value upon the sacrament of baptism for their children, and on the Lord's Supper as a sanctifying means of grace for themselves. This opened the way for adventurers and impostors among them, and no doubt such turned up among them in those early days to preach, catechise and administer the ordinances. The Reformed Churches in North Carolina, so few and so distant from their co-religionists, were much neglected in this respect. Time and again they sent deputations to the Synod in Pennsylvania, but it was only to get temporary aid. However, in all these days, and during the war of the Revolution, they preserved their identity and maintained their organization. As early as 1759 one Martin, a Swiss, visited the Reformed Churches in North Carolina, who was followed in 1764 by Du Pert, whose name denotes him of Huguenot descent. These, by and by, were followed by men sent out by the Synod (Coetus) from Pennsylvania, whose ecclesiastical relations entitled them to credit, but too few and irregular for the prosperity of the churches. It was not until May, 1831, that these churches were received as an organized body by the Synod of the Reformed Church in the United States, under the title of the Classis of North Carolina. This Classis, at the present time, is divided into nine pastoral charges, that consist of from two to five congregations each. The Classis sustains also five mission congregations; has fifteen ordained ministers, and its congregations number thirty-six. Catawba College, at Newton, N. C., and Claremont Female College, at Hickory, are literary institutions of the Reformed Church in North Carolina.

In the civil and political history of North Carolina, for reasons already given, the Germans have not been prominent in the past; and are only now looking up in this respect, as the entire German

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population have outgrown the use of the German tongue—in their pulpits no longer is it heard, nor have they German schools. With their use of the English language they are taking a more important part in the affairs of the State. Nothing better shows the character and patriotism of the Germans of the Reformed Church than their conduct when the rally to arms was made by the Continental Congress. In all the colonies a full proportion of this people swelled the ranks of the patriot army. There were but few who, from a sense of mistaken loyalty, refused adhesion to the patriot cause. This spirit of liberty was characteristic with those Germans who, in Switzerland, the Palatinate, or in France had suffered for conscience sake, wherever they settled in the new world. The instinct of freedom was an inheritance with them. It was the teachings which those German immigrants to North Carolina had heard from their ministers ere they left their homes in Pennsylvania. There were German regiments in the Continental army. Baron Steuben was an Elder in the Reformed Church in Nassau street, New York. Of the Reformed ministers, Weikel, of Boehm's church, in Montgomery County; Weyberg and Schlatter, of Philadelphia; Helfenstein, of Lancaster; Hendel, of Lyken's Valley, were ardent patriots—they led and taught their congregations. Some were watched and imprisoned for their outspoken love of liberty and the cause of rebellion. General Washington made his home with Dr. Herman, the Reformed pastor, in Germantown, Pa., for several months while his army lay in that vicinity. When General Montgomery fell at Quebec, and the friends of freedom were filled with profound sorrow for his loss, and divided sentiment in the Quaker City made it difficult to find a suitable place, the new and beautiful Race Street Reformed (German) Church was opened to Dr. William Smith to pronounce an eulogy on his life and services. When General Washington was elected President of the United States, the Reformed Cœtus (Synod) the highest judicatory of that church in the country, passed resolutions congratulating him on the event at their annual meeting in Philadelphia in 1789, and a copy being sent to him, the General replied expressing his great gratification at this expression of good will, and invoked on it the most earnest wishes for the prosperity of the Reformed Church. It could not be that citizens who had been trained under such ministers, who had imbibed such sentiments, would not, when transferred under the liberty-loving influence of North Carolina, be found true to their ancestry, and the brethen of a common

faith. A people that had forsaken all and fled to the wilderness, with the hope to enjoy freedom to worship God, could not be made the creatures of tyrannical government such as that of George III of England.

At this day the descendants of these men are asserting themselves in all the walks of life in their native State. Thousands of this race are to-day scattered South and West over this great country; and wherever they go their honesty, industry, law-abiding character, tell on the character of the community. Here at home, too, their names are found now among the alumni of the University and our colleges. Among those who represent the State in the Congress of the United States and in the Legislature of the State, quite a number whose descent is from these German immigrants may be found. In the roll of the Confederate army, too, were thousands of these sons of the Germans, and among them were those who by bravery rose to eminence as Generals.

It has been mentioned that the Reformed (German) Churches in North Carolina are, owing to their number, weakness and the paucity of ministers, divided into several pastoral charges, and of these we propose to gather what we can of their founders and history.

#### GUILFORD CHARGE.

The immigrants to this region—now making parts of Alamance, Guilford and Randolph counties—came in wagons by the emigrant route of those days from Philadelphia, through Pennsylvania, Maryland and Virginia, bringing their household furniture and farming tools, accompanied by young men coming to seek their fortunes in this new country. These came mostly from the counties of Berks, Lancaster and Schuylkill, and a few from Maryland, from 1745 to 1760, perhaps. This was then Orange and Rowan, and these German settlements were made on the waters of Haw River and its tributaries—Alamance, Reedy Fork, Beaver Creek, Stinking Quarter, Sandy Creek, etc. These were the Albrights, Clapps, Fausts, Holts, Sharps (Scherbs), Laws, Graves (Greff), Summers, Cobbs (Kaubs), Cobles, Swings (Schwenks), Cortners (Goertners), Ingolds, Browsers, Keims, Staleys, Mays, Amicks (Emigs), Smiths, Stacks, Neases, Ingles, Leinbergers, Straders, Wyricks, Anthoneys, Scheaffers (Shepherds), Weitzells, Trollingers, Longs, Isleys, Shaffners, Foglemans, Sthars, Brauns, Reitzells, with others.

Their first place of worship was in a log building near where

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Law's Church now stands, on the old road from Hillsborough to Salisbury, now in the South-east corner of Guilford County. It was a union Reformed and Lutheran Church. This union was brought to an end by the divergent sentiments growing out of the sentiments and feelings that culminated in the Regulation movement and the rebellion of the colonies. Rev. Samuel Suther, who had recently come from the County of Mecklenburg, an advanced patriot, was the Reformed pastor, and under his inspiring guidance the Albrights Goertners, Clapps, Fausts, the Scheaffers, Ingolds, Schwenks and Leinbergers, who were of Reformed stock, at once moved to a school-house near where the Brick Church now stands, and, there undisturbed by factional differences, erected an altar where to serve God. Suther was pastor until the close of the war, and was the animating spirit of the community. Soon this small log house gave way to a larger and more comfortable place of worship, whose corner-stones a few years since could still be seen. In these years Ludwig Clapp and Christian Faust were Elders, and Ingold and Leinberger Deacons, and even in these dark years the church grew and was prosperous. Rev. Bithahn, of Lincoln, succeeded Suther after three years. His ministry was a short one, he dying suddenly on a Sabbath evening after preaching a long-remembered sermon. His grave is in the Brick Church cemetery unmarked, and to-day no one knows his resting-place. For twelve succeeding years this church was without a pastor. In this time the Rev. Andrew Loretz, with unflagging devotion, four times in the year made visits to the Guilford churches and ministered to their spiritual wants. In 1801 Rev. Henry Dieffenbach became pastor, and for six years had the oversight of this church. He was a student of Dr. John Brown, the apostle of the Reformed Church in Virginia. During this time Jacob Clapp (of Ludwig) and John Greff were Elders. There was now again an interval of fourteen years, during which time the visits of Rev. Loretz were again made annually until his lamented death. It is not to be supposed that these godly people were content with these infrequent ministrations. They were wont to meet in their place of worship on the Sabbath—had services of prayer and praise, when Jacob Clapp (of Ludwig) or the school-master, Scherer, read a selected sermon. In 1812 Captain Wm. Albright, an Elder of the church, a patriot captain of the war of the Revolution, was sent to attend the meeting of the Reformed Synod in Pennsylvania to

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secure the services of a pastor for the Clapp church, as it was yet called. The Rev. James R. Riley, a young minister, was deputed by the Synod to visit all the Reformed Churches of the South. In 1813 he made the visit on horseback, coming by the emigrant route, and spent several months among the Guilford churches. On October 16<sup>th</sup> was had a memorial communion, the largest, till then, ever held in the Clapp church. Fifty-seven were added to its membership. On this occasion the old log church, large as it was, could not hold the congregation, and it had become dilapidated and uncomfortable. In their joy and gratitude the congregation proposed to erect a new frame house of prayer, but at the suggestion of Mr. Riley it was determined that it should be of *brick*. From thence it was no longer the "Clapp" church, but the "Brick" church of the present day. So harmonious and liberal were the people, that no difficulty was experienced in raising the needed funds for the purpose. This was, perhaps in 1814, and in this church's palmy days, when Captain Albright, John Clapp, Jacob Clapp, George Clapp, Barney Clapp, Col. D. Clapp, Daniel Faust and Daniel Albright were the leading spirits in the church. Still no permanent ministry could be had, owing to the paucity of preachers, and the churches were dependent on the casual visits of missionaries sent by Synod until 1821, when Rev. John Rudy became pastor of the associated churches in Orange, Guilford and Randolph. After a successful ministry of four years he returned to New York. In 1828, the Rev. J. H. Crawford, of Maryland, was elected his successor. His pastorate lasted twelve years. It was now that the pulpit service was heard in the English language. For the welfare of the church this was none too soon. In 1841, Rev. G. William Welker, the present pastor of the church, took charge of it. It is a large congregation, mostly composed of the descendants of those early German immigrants from Pennsylvania. In the grave-yard, hard by the church, rest in unmarked graves Tobias Clapp and Peter Goertner, who were in the Regulation battle; and there also sleep Capt William Albright and Barney Clapp and Matthew Schwenck, and others, who were soldiers in the War of the Regulation, and the passer-by who stops to read may find other humble graves of noble men, and that of George Goertner (Cortner), who was the civil leader of this community of Germans.

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STONER'S CHURCH (STEINER'S).

The second church in respect of age in this charge is the "Stoner" Church. It is probable that it was organized soon after 1758, and Rev. Weyberg was the first pastor, and possibly organized the congregation, however he was preceded by one Leinbach, a foreign German. The founders of this church were the Albrights (Albrechts), Fausts, Basons, Ephlands, Gerhards, Loys, Longs, Shaddies (Schades), Steiners, Nease, Trollingers, Sharps (Scheabe), and others whose descendants still people that fertile region on the waters of Haw River, Alamance and Stinking Quarter. These immigrants were mostly from the Counties of Schuylkill and Berks in Pennsylvania, and from Maryland. Their house of worship, in order to be central to the widely scattered settlements, was erected on the point of land formed by the confluence of Alamance and Stinking Quarter streams. The place was very inconvenient of access, and this may account largely for its future decadence. In its earliest days Jacob Albright, Peter Sharp and John Faust were the Elders; Philip Snotherly and David Ephland, the Deacons. This congregation fared as the other Reformed Churches in the colony for want of stated ministerial services, and was dependent on the occasional visits of Loretz, Hauck and others until 1821, when Rev. John Rudy became the pastor of the charge, who was succeeded three years after his dismissal by Rev. J. H. Crawford, who in turn was succeeded in 1841 by Rev. G. Wm. Welker. Owing to various causes the congregation for several years was without pastoral ministration, and the house of worship became dilapidated, but in recent years a new church building has been erected in a more accessible place, the congregation reorganized, and may yet renew its youth.

The third congregation in this charge was, as to date of origin, the

## "BARTON" CHURCH

in the county of Randolph. The North-east corner of this county was peopled, as Guilford, by Germans from Pennsylvania. At an early day the Reformed and Lutherans built a union church, still known as "Richlands." Owing perhaps to the same causes that made the separation in the "Law" Church, the Reformed people soon moved to a house of their own, built near the village of Liberty, on the road that led from Guilford Court House to Cross Creek, or Fayetteville. The old log house still stands on a parcel



of land containing 24 acres and 32 poles, conveyed by John Collier to the "Calvinistic congregation" for ten pounds. The deed bears date April 28th, 1791. The deed conveys the parcel of land to said Calvinistic congregation and their succeeding congregations forever, and here the Browers, Keims, and other adherents of the Calvinistic and Reformed Churches worshipped God after the manner of their fathers. However, owing to the dearth of ministers this place was neglected. It was still, under the oversight of Rev. John Rudy, a living church; but was, under the succeeding pastors, suffered to fall into decay, and now has no regular organization.

The other of the several churches that made this charge originally was

#### FRIEDEN'S CHURCH.

This was a union church, and was organized soon after the Brick Church, and probably by the same minister. It was in the present Guilford County, about ten miles North-east of the Brick Church. It was known as "Stahmaker's" church. The Reformed families in this vicinity were the Weitzells, Wyricks, Straders, DeWalds, and others, who here were wont to worship until the congregation, by neglect, was, under the ministry of Reverend Crawford, suffered to disintegrate. However, in 1855, under the ministry of Rev. G. Wm. Welker, this congregation of his (the Guilford) charge was reorganized. Gideon DeWald and William Weitzell were chosen Elders; John Clapp, Duncan Troeler and Joshua Weitzell, Deacons. For the convenience of its members the Reformed congregation, after a few years, removed to the neighborhood of Boon's Station, and built a sanctuary of their own, known as Saint Mark Reformed Church.

At a later date there was organized the

#### "MT. ZION," OR COBLE'S, REFORMED CHURCH.

This was a colony from the Brick Church and was organized by Rev. John Rudy during his pastorate. It was a union church with the Lutherans. This was a feeble organization and continued so until in 1851, when, under the pastorate of Rev. G. Wm. Welker, the Reformed congregation built a house of worship on the old Martinsville road to Fayetteville on the Upper Alamance and named it Mt. Hope. This was done for the convenience of the members in securing a location central to its territory. This house was of brick, but

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becoming too small was, soon after the civil war, displaced for a larger and more commodious frame building. This congregation in its new house has grown from the weakest and smallest of the congregations in the Guilford charge to be the strongest numerically. The Guilford charge now consists of the Brick Church, Mt. Hope, St. Mark and Steiner's, with the Barton Church not supplied with preaching. This charge numbers over 425 members, and its pastor, Rev. Dr. G. Wm. Welker, has had it under his oversight for forty-six successive years.

## REV. SAMUEL SUTHER

Was a Swiss, born May 18th, 1722. His father, in the youth of Samuel, sought a home for his wife and twelve or thirteen children in the new world, where he supposed he would be best able to provide for them. The voyage across the ocean in those days was not short nor always safe and pleasant. The vessel on which this Swiss family sailed was more than four months on its passage, and encountered thirteen severe storms, and being badly crippled was compelled to put into an English port, where it was detained several months for repairs. While here the father and two daughters died and were interred on English soil. The 8th of October, 1739, when the vessel at last hove in sight of the shore, was a terribly cold day. The provisions were exhausted when she encountered the severest storm of the voyage. So weak and exhausted were the passengers that 220 perished before they could be got to land. On the 10th, Samuel Suther, more dead than alive, was brought to shore, where he was taken in care by an Englishman, who nursed him back to conscious life. He alone of his father's family survived the wreck. It is probable that, being a Swiss, he had received in his native land a good education, he being seventeen years old when he left the land of his birth. German school-teachers were in demand in every German community, and Samuel Suther found employment as teacher for some years in the provinces of Virginia, Carolina, Georgia, Pennsylvania and Maryland as a teacher. In 1749 he taught the German school connected with the Reformed Church in Philadelphia. In June, 1768, he was preaching in Mecklenburg County, now Cabarrus, N. C. The tradition among his descendants is, that he was ordained in Philadelphia and had a certificate to that effect,

but it is lost. He doubtless organized the old Coldwater Church, and preached there on Sabbath, August 21st, 1768. Governor Tryon, who was then on his raid to crush out the Regulators, on this Sabbath was the guest of Major Phifer. Those were stirring times in North Carolina then. On October 25th, 1771, Reverend Suther moved to Guilford County to take charge of the Reformed Church in that region. The battle of the Regulators had just been fought in May before, and he lived on a farm hard by the battle-ground, and perhaps owned it. It is now owned by Mr. Banks Holt, of Graham, N. C. Here he lived during the war of the Revolution, and preached to the Calvinistic or Reformed Churches, several of which no doubt were organized by him. He was an ardent patriot, and was in full sympathy with the men who signed the Mecklenburg Declaration, in whose midst he had lived. He was a man of great physical as well as moral courage. At his coming to Guilford he preached in a union church where Law's Lutheran Church now stands. He soon made himself obnoxious to that part of the community that sympathized with the crown and had sided with Governor Tryon, and the result was that the Reformed part of the congregation withdrew from the union and built a Reformed place of worship where the Brick Church now stands. The Reformed members almost to a man were at one with the preacher in his patriotic sentiments. It is not now known that he was in full sympathy with the work of the Regulators, but of his church members were a number who were present and took part in the disastrous Alamance battle. So active and outspoken was he afterwards in the cause of the colonies to throw off the yoke of Great Britain, that he became a marked man for the hate of loyalists and was driven from his home, having to seek refuge among his friends. During the war a detachment of the British army led by some Tories devastated his farm, drove off his cattle and destroyed his property of all kinds. So also were ravaged the farms of his parishioners far and near, destroying their means of living, insulting their women and abusing the children, because their fathers were in the patriot army and their minister was their leader. Suther was a man of learning and a man of no mean ability, and was held to be quite an orator in this German community. He was ardently and intelligently attached to the doctrine and order of the Reformed Church as learned in his childhood's home, in the land of the great reformer Zuinglius. For his church

and his adopted country he was ever ready to do battle. Its liberty as a republic would only make it more like his own land of Tell. In 1784, he, in company with George Cortner, Esq., (Goertner) an Elder in his church, a prominent and influential man, and as patriotic as his minister, made a journey to Pennsylvania to collect funds to build a better house of worship among the kindred of his church members and their co-religionists. Shortly after he returned to Mecklenburg County, where he remained but a short time and thence, in 1786, moved to Orangeburg, S. C., where he died September 28th, 1788. At this day his descendants still may be found in Cabarrus County, who may well be proud of the name and work of him who did so much in the early history of North Carolina as a colony and a State, and who laid the foundation of churches that, still flourishing, hold the faith he preached and cherish his memory.

#### LOWER DAVIDSON CHARGE.

The fertile lands on Abbott's Creek, Leonard's Creek and Muddy Fork early attracted the notice of the German farmers from Pennsylvania. It is on the waters of those streams that we find their log churches of an early date. As in other sections, there were union churches where the Reformed and Lutheran people peaceably worshipped God after their custom on alternate Sabbaths. The Reformed congregations now make two charges in this county. The Lower Davidson consists of four congregations—Beck's, Emmanuel, Mt. Carmel and Jerusalem.

Of these "*Beck's Church*" is the oldest, and its organization dates back to the first settlement, but no positive dates are to be had. The deed for 53 acres of land bears date 1787, but at that time there was a Reformed congregation in existence and a log house of worship. This church is about six miles South-east of Lexington. The early peace of this union church has of late years been broken by internal troubles and law-suits, and both parties have vacated the old church and built new ones for their separate use. The Reformed house is neat and comfortable. The members of the congregation are largely made up from the families of the Swings, (Schwenks), Hedricks, Smiths, Billings, Millers, Imlers, etc. No records exist to show by whom the congregation was organized, but it is probable that it was

done by Rev. Schneider, whose ministry was coeval with the settlement of this region. He was followed by Hauck, Boger, Crook, Butler, Sorber, P. A. Long and M. L. Hedrick.

"*Emmanuel Church*" may be seen on an elevated ground three and a half miles South of Thomasville. The site is a fine one and easily accessible. The house was built in 1814. The congregation was made up from the several older Reformed congregations in the county. Its principal families were the Grimes (Grimms), Meyers, Imlers, Shulers, Lohrs, Leivengoods, Veitches, etc. It was probably organized by Rev. Boger, but had become from neglect disorganized, when in 1835 it was, under the ministry of Rev. David Crook, resuscitated. The property is held in common by the Reformed and Lutherans. Absalom Grimes, David Meyers and Lears Leivengood were the first Elders named in the records. The house of worship has recently been refitted and painted, but is, owing to the growth of the congregation, too small for its comfort.

In 1848, under the pastor of this charge, Mt. Carmel was organized. The remote residences from the old places of worship gave occasion for the Classis of North Carolina to authorize Rev. T. Butler to gather the members of the Reformed communion in that vicinity into a church at this place. It is several miles West of the town of Lexington. The Hedricks, Koontz, etc., are of the active members of this congregation. It is not large in numbers, and the wide field over which the pastor's work extends causes it to suffer for careful oversight.

The remaining congregation of this charge is *New Jerusalem*, distant some twelve or fourteen miles South-east of Lexington. It was organized by Rev. P. A. Long in 1858 for the convenience of the Reformed members of Beck's Church who were living too far from their place of worship. It is a union church, and the Reformed congregation is not as prosperous as it should be and its membership is small.

#### UPPER DAVIDSON CHARGE.

The churches of this charge are five, and are mostly on or near the waters of Abbott's Creek. Two of the five are churches whose organization dates with the earliest settlement of that section of Davidson (then Rowan) County. The Germans were attracted by the fertile lands on Abbott's Creek, and there, hard by their own

homes, erected their altars to worship God after the manner of the Reformed Churches of France, Switzerland and Germany, for the names of the members of these Reformed Churches indicate that their ancestors were of all these nationalities.

*The Pilgrim Church*, about two and one-half miles from Lexington, near the public highway leading to Greensboro, is one of the oldest, if not the oldest, place of worship in the country. The property, containing several acres of land and a neat frame church painted white, is held jointly by the Lutheran and Reformed. Several older buildings had replaced the first log cabin before this new house was recently dedicated to God's service. It is a matter for regret that no records are to be found of the time of its organization or the minister who gathered the Reformed people here into a congregation. It is very probable, that already before the days of Rev. Schneider this was done, who is one, at least, of its earliest pastors. Here it was that the ancestors of the families of Leonards, Berriers, Longs, with others, professed the Reformed faith.

*Bethany Church* is the other ancient organization in this Reformed charge. It was, in earlier records, known as Fredericktown. Here, at the distance of twelve miles East of Lexington, on the Upper Abbott's Creek, settled the Longs, Lokleys, Beckerdites, Clodfelters (Glatfelters), with other of their co-religionists, who now sleep in the populous grave-yard hard by, and united with their Lutheran neighbors to put up their first place of worship. It is probable that it was organized about the same time, and under the same ministration, as the Pilgrim Church. For want of spiritual ministration, the Reformed people suffered their organization to fall into disuse, but under the ministry of Rev. T. Butler, 1848-'56, it was revived and grew to become a prosperous church.

*Sauer's Church* was organized under the ministry of Rev. W. C. Bennet, 1834-'37, for the convenience of those whose residences were too remote from the older churches. Yet, it has never been made to prosper as its location and resources would justify.

*Beulah Church* is another of the small congregations of this charge. It was organized in 1855 by Rev. T. Butler. The Elders elected were Thomas Long and A. G. Long; Deacons, Jacob Thomas and Ephraim Rothrock. The church building is a frame house, painted white, erected on a parcel of land that was donated by Thomas Long. It was near the public road from Salem, in Forsyth

County, to Lexington, and eight miles from the former place, and is on the confines of the Moravian colony's territory.

Recently another congregation has been organized in the vicinity of Davidson County Poor-house, by the Rev. Thomas Long, that bids fair to become a prosperous mission. At present it is temporarily connected with the upper Davidson charge. It is an overflow from the Pilgrim and Beck's Reformed Churches.

#### EASTERN ROWAN CHARGE.

Perhaps half of the present Rowan County was settled by Germans, whose descendants still make a valuable portion of its industrious and orderly population. The churches composing this charge are two—"Grace" or "Lower Stone," in Rowan County, and "Bethel" or "Bear Creek," in Stanly County. The region, of which Grace Church is the centre, was settled, probably about 1750, by German immigrants, mostly from Pennsylvania, among whom were the Lingles, Fishers, Bergers, Lippards, Peelers, Holtzhausers, Bernhardtts, Klutts, Rosemans, Yosts, Foils, Bogers, Shuppings. As was common among the Germans of the two confessions in those days, their first place of worship was a union church called "St. Peter's" or "Fulenwider's," about six miles North-east of the present Grace Church. A separation was soon, however, necessary. The Lutherans builded what is still known as the Organ Church, while the Reformed selected a parcel of ground on the highway from Beatty's Ford to Gold Hill, about four miles West of the latter place. A purchase was here made of sixteen acres of land of Lorentz Lingle for two pounds proclamation money of the Province of North Carolina. The deed bears date 1774 and conveys the land to Andrew Holtzhauser and John Lippard for the use of the *Calvin* congregation—(the Reformed were, in those early days in this Province, distinguished from all others as the followers of the great Genevan Reformer, John Calvin). The first house was of logs, and was also used as a school-house. This building was soon made to give place to a more substantial structure. There seems to have been some defect in the original title, for the original trustees now make new title to Jacob Fisher and John Casper, and in this deed the church is named "*The German Presbyterian congregation on Second Creek in the Dutch settlement.*" Already, in 1782, Rev. Samuel Suther, who had removed from Guilford County, the records show, was pastor of this congregation.

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It was determined that the new building should be of stone—(hence its common title, “The Lower Stone Church”). Owing to internal dissensions and a mistaken rivalry with the Organ Church congregation, the corner-stone of this stone edifice was not laid until 1795, by Rev. Andrew Loretz, of Lincoln County, Suther having removed to South Carolina. At this time Col. Geo. Henry Berger and Jacob Fisher were Elders. It was so soon after the horrors and destruction incident to the war of the Revolution, that the people were very poor and the work they had undertaken beyond their impoverished means, so they had resort to a *lottery*, no uncommon means used in those days, to secure funds to complete their house, and it was only after sixteen years from the laying of the corner-stone that it was finished. In November, 1811, it was dedicated to the service of the Triune God. In this service Pastor Loretz was assisted by the Rev. Dr. Robinson, the beloved pastor of the Presbyterian Church at Poplar Tent. We cannot learn who succeeded Rev. Loretz in the care of this congregation, but Rev. Geo. Boger was for many years before 1830 the gentle, patient and laborious shepherd of this flock. In 1830, Rev. D. B. Lerch became pastor, but after a short ministry he now sleeps in the adjoining “God’s Acre” in the rear of the pulpit, his memory revered by those who knew him. He was succeeded by Rev. John Lantz in 1837, who left in 1853, succeeded by Rev. T. Butler, who removed in 1869. The present pastor is the Rev. C. B. Heller.

The associated church in this charge is

BETHEL, OR BEAR CREEK.

- When this congregation was organized by the Rev. George Boger, in 1806, it was in Montgomery County, but now in Stanly County. It was a union church at its foundation. The Reformed members were a colony from the Lower Stone congregation. Among them were the Bernhardts, Mooses, Heglers, Seitzes. Their first house was a log building on a tract of land donated for the purpose by Christopher Lyerly. The Reformed congregation was few in number and weak in wealth in its early days. A new place of worship has succeeded the old log building. The Lutheran congregation has moved elsewhere. The property is now entirely Reformed. The pastors since Boger’s day have been the same as at the mother church. Its first Elder was ----- Seitz, and its first Deacon John Berger. Both of these congregations, under pastor Heller, are in a



prosperous state, and no charge in North Carolina has before it a brighter future.

#### CENTRAL ROWAN CHARGE.

This pastoral charge is composed of three congregations, all in the county of Rowan, and on the left of the North Carolina Railroad as you travel South. The entire region is German in its prevailing population, the descendants of those who erected the early German Churches in that part of the State. Only one,

*Mount Hope*, dates its origin to an early period in the opening up of this part of the State. The original church was known as St. Paul's, distant about four miles from Salisbury. No records are attainable of this church to the writer. In 1862 the Classis of North Carolina met in this church, and the Rev. T. Butler was pastor. It was also a union church. In order to have the house of God better accessible to the Reformed congregation, they built a new church on a parcel of land donated by Mr. Lingle on the road from Salisbury to Concord, and named it *Mt. Hope*. This congregation has since been prosperous, and Mr. Lingle has since donated his entire farm to the congregation for its use as the pastor's home. This removal took place perhaps about 1867 or '68.

*St. Luke* is another of the congregations that make this charge. It is a colony mainly from Grace or Lower Stone Church. Its organization dates about 187---. It was organized by Rev. P. M. Trexler. The house is a convenient frame building. The third congregation of which this charge is composed, is

*Shiloh Church*. It is on the road from Salisbury to Cheraw, S. C., about two and a half miles from the former place. It was organized in 18-- by Rev. ----. This congregation is also an offshoot of the Lower Stone and St. Paul's Churches. It has not prospered as the founders anticipated. The chief families in this German Reformed charge are Fishers, Peelers, Rosemans, Lingles, Lippards, Holtzhausers, etc.

#### WESTERN ROWAN CHARGE.

This pastoral charge properly consists of two congregations—Mt. Zion, in Rowan County, and Mt. Gilead, in Cabarrus County. These are both in a largely German settlement, where homes have been held by the same families since its first occupation. These two churches in this organization date from the years that immediately

followed the exodus of the German Protestants from Pennsylvania to the Carolinas. The church now known as Mt. Gilead is the successor of the old Coldwater Church, which had its name from a well-known stream in that region on whose banks the early German settlers of Cabarrus (then Mecklenburg) made their homes. This Coldwater Church was doubtless the oldest Reformed Church in that part of the State. We can discover no records of its organization, but most probably it may have been done by Rev. Samuel Suther, who already, in 1768, was its pastor. It was doubtless to this church and its minister that Gov. Tryon refers in his journal, kept during his military raid on the Regulators. Under date of August 21st (Sunday): "Heard Mr. Luther, a Dutch minister, preach." This was during a stay he made at Major Fifer's (Phifer). The Reformed minister Suther at this time was pastor of the Coldwater Church. The name Luther is a misprint for Suther, as no German minister of the name of Luther ever has lived in this region. Dutch is only the common name given to the Germans, and is even found in the deeds for church property. Besides this, Coldwater Church was the one nearest Major Phifer's. All this leaves no doubt that in the old Coldwater Church it was that the Governor "heard the Dutch preacher," and that the preacher was the Reformed Suther.

Owing to causes unknown, but possibly the removal of Suther to South Carolina, this congregation was for a time almost extinct, until it was revived under the ministry (1851) of Rev. John Lantz. It did not seem to prosper, the house was old and dilapidated, when, under the ministry of Rev. Dr. Ingold, the congregation moved out on the Salisbury and Concord road, within three miles of the latter place, and built a new brick church and called it Mt. Gilead. During the years 1886-'87 they have found it needful to build a new and larger house of worship that has recently been dedicated to its holy uses. Here it is where the descendants of the Coldwater Reformed fathers still worship God after the manner of their ancestors. Here you may find Foils (Phyles), Heilmans Clines (Kleins), Meissenheimers, Shinns, Suthers, etc., etc.

*The Mt. Zion Church* is about ten miles south of Salisbury, on the line of the North Carolina Railroad, near China Grove Station. This was, in its foundation, known as the "*Savitz*" Church, which was a union church, the joint property of the Reformed and Lutheran people. When this church was organized, and by whom, we have no records to show. No doubt a rude place of worship was estab-

lished here long before a regular ministry was obtainable, and an organization followed in the time of Suther or Loretz, about 176---. Already in 1745-'50 all this region was peopled by the flood of immigration from Pennsylvania, as was that on Dutch, Buffalo and Second creeks. About 1845 the old log Savitz Church became both too small and uncomfortable, when the two congregations removed each a short distance and erected brick houses of worship, having the railroad and the old grave-yard between them. Within the last few years the Reformed Church becoming too straight for the worshipper's comfort, has been taken down and a new one built in its stead, and is now, perhaps, the finest country church in Western Carolina; and here the children of the Reformed, under a succession of men of God, have kept the Reformed faith. The Bechlers, Deihls, Corihers, Corrells, Yosts, Schuppings, Caspers, with others, revere the memory of their forefathers. After Loretz and Boger, the early pastors, followed Lerch, Lantz, Ingold, Fetzer, Cecil, Ingle, Trexler, and now there comes Barringer, who has already had need to rebuild two churches and make them larger. In the cemetery near the Mount Zion Church is the last resting-place of one of its beloved pastors, Rev. Samuel J. Fetzer, whose memory is precious to those who enjoyed his ministrations. Another congregation was represented on the floor of Classis at its last meeting, an offshoot of Mount Zion and Mount Gilead, that had been organized at Enochville, and is now under the oversight of the Rev. Paul Barringer, the pastor of the Western Rowan charge.

REV. GEORGE BOGER'S AUTOBIOGRAPHY.

"In the name of God, Amen! To God, be glory."

GEORGE BOGER—HIS BIOGRAPHY.

In the year 1782, December 15th, George Boger was born and baptized by Rev. Suther. The sponsors were George Goodman and Rosina Foil, unmarried. I was born and brought up in Cabarrus County, North Carolina, (then Mecklenburg County). My father's name was Jacob, and was born and reared in Maxidonee township, Pennsylvania. My mother was a Loeffler, of the same State and county. After their marriage, they betook themselves to North Carolina and settled on so-called Buffalo Creek. There I went some months to a German school when seven or eight years old. The school-master's name was Joseph Hentzler. When nine years old, I went to school again to Martin Schlump, and when eleven years

old I went again six months to German school to Joseph Hentzley. When fourteen or fifteen years of age I went to English school four months to John Yeoman. And when I had attained to sixteen years and three and one-half months, my father sent me to religious instructions to Rev. Samuel Weyburg. After six weeks, on the twelfth of May, 1799, (Whit Sunday), I received the Lord's Supper, and was received as a member into the Evangelical Reformed congregation. Some weeks after I felt a desire to study for the ministry, and it seemed to me no other way than I must preach, and I believed I had a personal call of God to the holy office of the ministry.

When I announced this to Mr. Weyberg, he at once assisted me and received me and I was his student. After I had studied seven months and three days, then I, for the first time, preached, at which time I was seventeen years and four months old. I was one year a student under Rev. Weyberg, and God favored and blessed my undertakings. After Mr. Weyberg and I parted, which occurred December, 1800, I returned to my parents, and at times served three to four congregations. In October, 1801, I betook myself to Rev. Storch (Lutheran minister) and was several months under his tuition. After that, in April, 1802, I went to the Rev. Andrew Loretz, in Lincoln County, and was under his tuition something over ten months. He ordained me March the 6th, 1802, at Savitz Church, Rowan County, ten miles from Salisbury (this was the old title of Mt. Zion Church near China Grove), and so, in the name of the Holy Trinity, was I ordained as a Reformed minister, and received permission to administer the Holy Sacrament, so that the Triune God would favor and bless me, and all my labors and undertakings be blessed.

The persons who petitioned Pastor Loretz to ordain me are the following, viz.: William Schmetter, John Shuman, Michael Peeler, Joe Correll, Christopher Loeffler, Henry Barringer, Adam Correll, Christian Shuman, Nicholas Shunning, Ludwig Bieber, Jac. Meisenheimer, Henry Caspar, Christopher Lyerly, Jac. Reide and Frederick Siebert.

And when ordained I was twenty years, two months, two weeks and four days old. O Almighty, bless and protect me—grant me a full measure of thy Holy Spirit, so that I may discharge my holy calling acceptably. O Jesus, let thy light shine upon me, and give me strength that I may preach thy word with understanding, power and boldness. O Holy Spirit, lead me, give me strength in weak-

ness, and bestow thy blessing upon my labors, and thy name shall receive the praise in a world without end. Amen.

From a minute diary kept by Mr. Boger, we learn that during the several years he was engaged on his studies before his ordination, he was wont to supply, at irregular intervals, the churches of Cold-water, Crooked Creek, Rocky River, Savitz, Lingle's and Bear Creek. Yet, in the year 1800, he assisted in all the labors incident to a common farm-hand on his father's farm. After his ordination he had charge of the Reformed Churches in that region until he was relieved, in part, by the Rev. Daniel Lerch in the autumn of 1830. The increasing demand for preaching in English demanded this change. Yet Mr. Boger still continued to minister, until eventually, in 1847, he gave up his loved life-long work. He died among his kindred and the people he loved and labored for on Monday, the 19th day of June, 1865, at the good old age of eighty-two years, five months and four days. His work sums up thus: More than thirty years pastor of from four to seven churches; baptized one thousand nine hundred and nineteen children; received six hundred and twenty-seven persons into membership with the church; married two hundred and one couples, and preached three hundred and eight funeral sermons. Of the sermons he preached during his ministry we find no perfect record, but they number at least one thousand six hundred and sixty-three. The life of this humble, incompletely educated pioneer minister in the Reformed Church was not an idle one; and to him, doubtless, the continued existence of the church in Cabarrus, Stanly and Rowan Counties is, under God, largely due.

#### CATAWBA CHARGE.

This charge consists of St. Paul's, St. John's, Newton and Smyrna congregations, all in the present county of Catawba, formerly part of old Lincoln County. This county of Catawba was largely settled by Germans from Pennsylvania. The pioneer of these immigrants was Henry Weidner (Whitner), who, about 1745, came alone to this region to hunt and trap. He lived in peace with the Indians, who still held the soil. He was wont to go back to the civilized world each spring, carrying his pelts, &c., on several horses. The patent for his land bears date 1750. On one of his return trips he brought as a companion of his forest life a young wife, Mary Mull, and a youth by the name of Conrad Yoder, the ancestor of a large and

esteemed posterity in that county. Weidner, in a short time, was followed by the Conrads, Reinhardts, Frys, Forneys, Rauchs, Ramsaurs, Coulters, Fingers, Zimmermans (Carpenters now), Ikards, Hoyles, Clines, Setzers, etc. One of the first public duties of these people was to find a place to build a school-house and a place of worship. The mother church in Catawba County is St. Paul's, a union Lutheran and Reformed Church. All the churches in that day in the county of Lincoln were union churches. Its foundation dates about 1760. The site was donated by Paul Anthony. It is a few miles West of the town of Newton, on the waters of the South fork of the Catawba River. This primitive log house remained until 1812, when it gave place to a larger and better building, that yet remains. In its early days the Wilfongs, Coulters, Hermans, Bolingers, Frys, Reinhardts, Weidners were members and officers of the Reformed Church here. Of its early ministers no record now remains. Martin preached here, as in all the Reformed Churches of the dispersion, as early as 1759. Du Pert, in 1764, also ministered here for a season. He lived near Paysouer's mill, in what is now Gaston County. He was recognized as the pastor at St. Paul's Reformed Church. There was also a Reformed and Lutheran Church near where he lived that was burned during the Revolutionary War. Schrum, Schneider, Bithahn, for a time labored here before 1789, when Loretz became the settled pastor. His pastorate ended with his life in 1812. This church was now without regular gospel ministration for sixteen years. During these years the churches West of the Catawba, as the other Reformed Churches, were visited by Riley, Rudy and others, sent by the Synod of the United States to look after this dispersion. In 1828 Rev. J. G. Fritchey was sent hither to strengthen the things that remained. He was pastor for twelve years of all the churches West of the Catawba River. These are reported as the prosperous days of the Reformed Church at St. Paul. He was succeeded in 1840 by Rev. J. H. Crawford. During his pastorate old Lincoln County was divided, and a Reformed congregation was organized at the new county-seat by him. This was a creation out of the members of St. Paul's Church, and so enfeebled it that it ceased soon after to receive ministerial care, but has, in recent years, been reorganized by Dr. J. C. Clapp, and appears to have a prosperous future before it.

*St. John's* is also a member of this charge. It is about six miles North of Newton, in the curve of the Catawba River. It is a colony

- of St. Paul's, and was organized about 1812. It, like the mother church, is a union property of the Reformed and Lutheran Churches. It had its origin in the inconvenience of distance. Many of the members lived so far from St. Paul's as to make it a hardship to attend services there. In those primitive days members of the Reformed Church were wont to come from Burke County, thirty miles, on communion occasions. The log house built in 1812 has recently given place to a comfortable brick house that gives signs of living congregations there.

*Smyrna* is also a member of this charge, and was organized in 1832 by Rev. J. G. Fritchey. This, too, was in part an offshoot of St. Paul's. The first Elders were Nathaniel Edwards, John J. Shuford and Jacob Lantz. J. J. Shuford and Isaac Douglas jointly donated eleven acres of land for the church. The old church has recently been replaced by a neat frame building, and better days seem to be in store for this small congregation.

*Newton Church.* This is the remaining congregation of this charge. Its origin dates with the formation of Catawba County—1845. As said before, its members were almost wholly from St. Paul's. It erected the first house of worship in the town. \* It is still standing and known as the "White Church." The Elders on its organization were Abel Ikard and Daniel Rowe. Their successors in office have been Reuben Setzer, M. L. McCorkle, F. D. Reinhartt, S. M. Finger, W. H. Williams, D. F. Moose and H. A. Forney. Deacons: Moses Fry, D. F. Moose, W. H. Williams, J. F. Smyre and D. L. Rowe. The Rev. Dr. Clapp has been pastor since 1878. The congregation is now engaged in erecting a fine, large brick sanctuary in a more accessible place, instead of their former place of worship. This charge having Catawba College in its bosom, an institution of the Reformed Church under the jurisdiction of a Board of Trustees elected by the Classis of North Carolina, has a trust assigned it. It gives fair promise that it will not fail in its duty to the interests of the Reformed Church or Catawba College.

#### THE LINCOLN CHARGE.

This charge is in old Lincoln County now, as well as in old Lincoln County of Revolutionary fame. A large part of this county was settled as early as 1745-'50, when the Germans found Pennsylvania too straight for them and turned their faces to a sunnier and more fertile clime. In the vicinity of its county

town were found the Hokes, Reinhardts, Summeys, Fingers, Shufords, Anthonys, Ramsaurs, Summerows and others, who united with their Lutheran neighbors and built a church in the town of Lincolnton. In 1806 a deed conveying two acres and sixteen poles in the centre of the village was made to Christian Reinhardt, agent for the "Dutch Presbyterian," and Andrew Hedrick for the "Dutch Lutheran." On this land there was already at this time a log house used as a church, and is part of the present "white church" still remaining as a place of worship. In the records it is known as the "Emanuel Church." When, or by whom, the Reformed congregation was organized cannot with certainty be determined, but it is probable that it was Rev. Du Pert, who was the pastor of St. Paul's in the same county as early as 1764, and who lived not far from the present Lincolnton. He was succeeded by Andrew Loretz, who was the pastor until 1812. For sixteen years no Reformed pastor could be found for this church, and in this time, by the proselyting agency of others, this German congregation was so distracted as never to have recovered its former vitality. In 1828 the Rev. J. G. Fritchey became pastor, and for a while, or during his ministry, it in some degree revived. He was succeeded in 1840 by Rev. J. H. Crawford, who was followed by the lamented Rev. S. S. Middlekauff. After him came Rev. D. Crooks, when for years this congregation was neglected, and only recently has it been taken under the care of Rev. J. Murphy. Whether it is possible to recover the prosperity of olden times is yet a problem. In the grave-yard by this venerable house of God sleeps the dust of Rev. Middlekauff, for a while pastor. Greatly beloved, his short ministry was too soon cut off for the welfare of this ancient Reformed Church.

In this charge is also the

*Daniels Church.*—It may be found about  $4\frac{1}{2}$  miles North-west of Lincolnton. It is also a union (Reformed and Lutheran) church. It is one of the older German churches in that region, and dates in origin with St. Paul's. Its members were the Warlicks, Ramsaurs, Coulters, Reeps, etc. No means are found by which to determine who organized this Reformed congregation. Its first permanent pastor was Rev. A. Loretz, who lived quite near, and who sleeps in its ancient and populous grave-yard. A better house of worship is now demanded, and the two parties in the union are about to separate and build their own sanctuaries. The pastors have been the



same as at Emanuel's at Lincolnton. It is now under the oversight of Rev. J. L. Murphy, and is in a healthy condition.

*Salem Church* is also a member of this charge. It is about five miles North of Lincolnton, and is a union church also, and has a convenient brick house of worship. It dates only 18--, and was built for the convenience of members of the older and more distant places of worship.

*Matthew's Church*, about six miles North-east of Lincolnton, was organized in 1837 by Rev. J. G. Fritchey, as a Reformed Church, and was organized from the members of that church on Clark's and Leper's Creeks. The Fingers, Carpenters, Shrums, Boyds, Reinhardt's, etc., are the prominent families.

Within the last year a new Reformed congregation has been organized at *Maiden*, a thriving village on the Narrow-Gauge Railroad between Newton and Lincolnton. It is quite a promising plant. Its existence is very largely due to the liberality of the Carpenters. Near by is the new parsonage of the Lincolnton charge.

REV. ANDREW LORETZ

Was born in the city of Chur (Coire) in the Canton of Graubunden (Grisons), in Switzerland, in the year 1761. Little is known of his early history. He received his education at Kaufbeuren in the Kingdom of Bavaria, where he was still in May, 1779. In 1784 he sailed for America, and his passport is dated from Chur (where still reside those bearing his name) bearing the signature of the Burgermeister of that city. After a voyage of three months he arrived at Baltimore, Maryland. From thence he went to Meyerstown, Lebanon County, Pennsylvania. About 1786 he married a Mrs. Scheaffer of that place (formerly Miss Lehman, of Hagerstown, Maryland). In the autumn of 1786 or '87 he came to Lincoln County, North Carolina. Here he made a home for himself four and a half miles from Lincolnton, whence he never removed. Why he wended his course hither is not now known. Perhaps the fame of this earthly paradise, that drew hither so many from Pennsylvania, may have seemed to open up an opportunity of doing good. He was the pastor of the then Lincoln County Reformed Church, but he for many years itinerated over the entire territory of North and South Carolina, as far as settled by members of the Reformed Church. To him, perhaps, more than any one man, the existence to-day of Reformed Churches in North Carolina is due. In those days little traveling

was done in this region in lighter vehicles than farm wagons, and all his long journeys, from Haw River in North Carolina to the Saluda in South Carolina, were made on horseback. He was an excellent horseman, and always kept two saddle-horses for use in his long and wearisome rides. He visited the churches of his extended missionary diocese once in three, four or six months, as the exigencies of such a life determined, for the purpose of catechising, preaching, baptizing the children, to administer the Lord's Supper, and all the offices that are included in a pastor's work. He was greatly beloved in all the churches, and his visits were looked forward to with anticipations of great enjoyment. He was of most genial disposition and abounded in pleasantries, so that he soon made himself at home wherever he went, and could enter into the wants and interests of the people to whose service he had devoted his life. His home was in sight of Daniel's Church, where he gathered about him in time a family, accumulated some property, respected by his neighbors.

He was an educated man and used the German with great fluency and power, while he was also an excellent French scholar and able to use the Latin freely. He was famous wherever he preached as an orator. His discourse at Lincolnton on the death of General Washington is still spoken of in that region as one of transcendent ability. He had gathered, for that age and a new country, quite a fine library of valuable theological works, which, however, after his death, was sold in an unappreciative community for a trifle and scattered to be lost. Those who knew him in the Loretz family circle and at the sick-bed—in the house of mourning—yet speak of his tenderness and of the unction of his prayers as most thrilling and comforting. His extensive labors and his frequent exposures cut off his grand life too soon for the churches, for he died at his home at the early age of 51 years. It was on Sabbath day. He had preached at St. Paul's, then rode fifteen miles home to die that evening, as he had predicted he would. He sleeps in an humble grave among his kindred and those to whom he ministered, hard by Daniel's Church. Among his children were three sons whom he fondly hoped to rear and educate for the higher walks of life. One of these sons represented the old Lincoln County in the House of Commons for three successive terms. Judge D. Schenck, in an article in a Lincolnton paper, thus speaks of Mr. Loretz: "He was a man of remarkable energy and great endurance, and zealous in the performance of his duty. He was also a man of more than ordinary talent and well

educated. He preached a funeral sermon on the death of General Washington, which was so original and eloquent that it was published in pamphlet and sent through the country. As a speaker he is said to have been very powerful and attractive, and his people were greatly attached to him."

#### THE HICKORY CHARGE

Is composed of three congregations, Hickory, Bethel and Grace, all on the South Fork of the Catawba River. Of these churches only one is a union church, viz.: *Grace*. This place of worship is, perhaps, ten miles North-west of Lincolnton, in a community thoroughly German. About here it was the Yoders, Coulters, Reinhardtts, Ramsaurs, Warlicks, Shufords, Wilfongs and Weidners had settled. We are not in possession of data as to its organization, but it grew up with Daniel's, St. John's, etc., and was under the same pastors. It was for many years the most prosperous and intelligent Reformed congregation in the State. But owing to removals by death and dismissions to form other Reformed Churches, it has been very greatly reduced in number. Its early house of worship was, as common in this colony, of logs, and it was not until 1851 that this edifice, dear to the fathers, was made to give place to a neat brick house where the descendants of those good men who, in the wilderness, laid the foundation of the State and church, still worship after the fashion of the churches of the Reformation.

*Bethel Church* is on the South Fork of the Catawba River, about seven miles South of Hickory. It is first reported in the minutes of the N. C. Classis in 1849. It was organized by Rev. J. H. Crawford. It is in the region where Henry Weidner, the South Fork pioneer, located his grant of land. Here the Weidners, Robinsons, Wilfongs, still maintain the ancient Reformed faith. The first house here was an humble place and erected on a site convenient for those remote from the old sanctum. Within the last year a comfortable house of worship has been dedicated in the stead of the old one, and a new impulse has been given the activity of the congregation under the pastorate of Rev. L. Reiter.

The remaining congregation of this charge is the Reformed Church in the town of Hickory. It was organized in 1869 by Rev. D. Ingold of members of the Reformed Churches of the county of Catawba who had removed to this busy and thriving town. Its first

house of worship was burned down in the early days of 1887. With an energy worthy of their ancestry, these children of Reformed fathers immediately took measures to build a new, large brick church in the most eligible part of the town, and which soon will be ready for occupation. The Shufords, Weidners, Links, Reinhardts, Wilfongs, Ingolds, Murrells, with others, are foremost in this effort to build up the Reformed interest.

In May, 1831, at the Brick (Clapp's) Church in Guilford County, under an ordinance of the "Synod of the United States," which met at Hagerstown, Maryland, the churches and Ministers in North Carolina of the Reformed confession were authorized to form a Classis in connection with that Synod. At this meeting four Elders were present, representing four charges composed of seventeen congregations. These Elders were Col. Philip Hedrick, of Davidson County; Col. John Hoke, of Lincoln County; Adam Roseman, of Rowan County, and Col. Daniel Clapp, of Guilford County. The ministers present were Rev. William Hauck, of Davidson charge; John G. Fritchey, Lincoln charge; Daniel B. Lerch, Rowan charge, and John H. Crawford of the Guilford charge. Rev. George Boger was absent. At this date, 1887, this Classis consists of fifteen ministers, nine pastoral charges, thirty-six congregations and 2,313 communicant members. In the Reformed Church each congregation is governed by its Consistory, composed of the pastor, elders and deacons, elected by the congregation. The several congregations in a charge have a General Consistory, composed of the several congregational Consistories. Three or more pastoral charges in a defined contiguous territory make a Classis. Four or more Classes make a District Synod, and all the Classes in the United States constitute "*the General Synod of the Reformed Church in the United States.*" There are seven District Synods and fifty-two Classes in the United States. The Classis in North Carolina stands in ecclesiastical relation with the Synod of the Potomac.

## EARLY LUTHERAN SETTLEMENTS IN NORTH CAROLINA.

[Condensed from Rev. G. D. Bernheims' History of the Lutheran Churches in the Carolinas.]

It is a cheerful task for the writer of historical narrative to enter upon a field where the earliest records are abundant, carefully made, and well preserved. This is the case in regard to nearly all the Lutheran Churches in North Carolina, whose original church record books and titles to church property are still extant, and the reports of whose pastors' labors, like those of the Pennsylvania and Georgia ministers, had been sent to Germany and were published there.

St. John's Lutheran Church, in Salisbury, North Carolina, is first brought to view, and was doubtless the first Lutheran congregation organized in that Province, under the following circumstances:

The German citizens of that place organized themselves into a congregation in the days of King George III, and several years before the Revolution. When Salisbury was as yet denominated "a township," containing a few dwellings and a small number of inhabitants, one of the wealthy citizens residing there, John Lewis Beard, a member of the Lutheran Church, was bereaved by death of a beloved daughter.

The body of Mr. Beard's daughter was laid in the silent tomb, opened on her father's town property, in a lot containing nearly an acre, and well selected for the quiet repose of the dead. The question then naturally arose, Shall that hallowed spot, consecrated by the repose of the dead and the tears of fond survivors, ever be disturbed by the march of civilization?

To prevent such an occurrence, the forefather of the Beard family in Salisbury made and executed the land title, donating the grounds upon which his daughter slept the quiet slumber of the dead, to the German Lutheran Church—the church of his choice. The original title is still preserved.

The historical facts derived from this conveyance and from other sources are the following: In the year 1768, Salisbury had as yet no house of worship of any kind within its precincts; ministers of the Gospel may have often or occasionally preached in the private or public houses of the place, and persons may have worshipped in other churches in the country, but no church existed in Salisbury at that early period.

The Lutheran Church in Salisbury is the oldest church established

in the place, and from other sources we learn that the congregation had a log church edifice erected on the lot granted by Mr. Beard, in order that they might secure the land to the congregation as stipulated by the grantor, in which he also rendered them every assistance in his power. This log church was built soon after the lot of land was granted.

The first pastor of this church was the Rev. Adolph Nussmann, a ripe and thorough scholar, and, what is still better, a devoted, self-sacrificing and pious Christian. He came from Germany in 1773 but did not labor long in this congregation. He removed to Dutch Buffalo Creek Church, now better known as St. John's Lutheran Church, Cabarrus County. He was succeeded by Rev. Godfrey Arndt, who had charge of Organ Church at the same time, but soon removed to the West side of the Catawba River.

The Lutherans at Salisbury were energetic participators in the Revolutionary struggle, arraying themselves on the side of liberty and independence.

#### EARLY HISTORY OF ORGAN CHURCH, ROWAN COUNTY, N. C.

The proper name of this congregation is "Zion's Church." The fact that it was, until recently, the only Lutheran Church in North Carolina which was possessed of such an instrument of music, has given it this sobriquet, by which it is generally known and so called in all the records of the Lutheran Church in this State.

The first German settlers of that portion of Rowan County, along Second Creek, came from Pennsylvania, and were members of the Lutheran and German Reformed Churches, but in numbers far too few to erect a church for the sole use of either denomination; hence they concluded to build a temporary house of worship to be owned by themselves jointly, and which was called "The Hickory Church." This church occupied the site on which St. Peter's Lutheran Church now stands, and was built by permission on the land of Mr. Fullenwider.

As was the case with all the first German settlers in North Carolina, who did not bring their pastor with them, so likewise were the Lutheran members of the Hickory Church destitute of the means of grace for some length of time, and as no other hope of obtaining a regularly ordained minister of the Gospel presented itself,

the members were resolved to send to Germany for a pastor. In this manner they secured the services of Rev. Adolph Nussmann as their pastor, and Gottfried Arndt as their school-teacher.

The new pastor preached but one year in the Hickory Church to both denominations, after which some dissensions arose, and a majority of the Lutherans then resolved to build a church for themselves, and in this manner originated Zion's Church, better known as Organ Church. The members of the German Reformed Church soon followed the example of their Lutheran brethren, and likewise built a new church on another location, which they named Grace Church, but is more frequently called "The Lower Stone Church," on account of its position lower down the stream above mentioned, and built of the same material as Organ Church.

Before the building of Organ Church was quite completed, Rev. A. Nussmann left this congregation, and went as pastor to Buffalo Creek Church, in Cabarrus County.

The congregation, which now had a church but no pastor, sent their school-teacher, Gottfried Arndt, to be ordained to the office of the ministry, in the year 1775. He served them through the trying period of the Revolution, until 1786, when he moved to the Catawba River, residing in Lincoln County, and laboring in that field to the close of his life.

#### EARLY HISTORY OF ST. JOHN'S CHURCH, CABARRUS COUNTY, N. C.

Cabarrus County is known in the early records as Mecklenburg County, in which it was included. The Eastern portion of it was settled entirely by Germans, the most of whom came from Pennsylvania.

During the Revolutionary War, a number of Hessian soldiers deserted from the British army at Savannah, after the siege of that place, and found their way to the German settlement on Dutch Buffalo Creek, intermarried with these settlers, and were thus permanently located there.

Although no regular army assailed these Germans, or passed through their settlement, yet they had to contend much with the Tories, whilst many of their young men enlisted as soldiers in the American army. One family, named Swartzwälder (Blackwelder), had seven sons, four of whom were in the battle of Camden, South Carolina, and two or three of them found soldiers' graves upon that

battle-field, having lost their lives in the service of their country. Others shared the same fate, whilst those at home had several skirmishes with the Tories.

In the old church record book, and in the old minutes of the North Carolina Synod, the congregation of St. John's is known as "Dutch Buffalo Creek Church," because its members were principally located along that stream of water, and because their first place of worship and their first grave-yard had its location near the same creek, three miles distant from its present situation. The first church edifice was, of course, exceedingly plain, made of unhewn logs, and served the people the double purpose of a school-house and place of worship. Both the German Reformed and Lutherans worshipped in the same building for a certain period of time, after which a more commodious building was erected for the united worship of the two denominations, about half a mile removed from the location of the present church edifice. This second building, in point of architectural style, was but little better than the former, except that it was somewhat larger, and fitted for the exclusive use of Divine worship.

About the year 1771, the members of the Lutheran Church, at the suggestion of Captain John Paul Barringer, separated themselves from their German Reformed brethren, and built their own church on the site of the upper portion of the present grave-yard. The work was undertaken by Daniel Jarrett, whilst Captain Barringer acted as the building committee. This church was built chiefly at his own expense, and out of gratitude to him the congregation had a pew constructed for the special benefit of himself and family, which was somewhat raised above the others, located in a prominent place in the church, and inclosed. He was a true-hearted and thorough Lutheran, devotedly attached to his church, and seemed to have been a defender of the rights of the German settlers there, and a leading man among them.

It was not until the year 1774 that the congregation obtained their first pastor, who had been laboring about a year and some months at Organ Church and in Salisbury, and who had been brought to America by a deputation sent from Organ and St. John's Churches to Germany, in 1773. He located himself about one and a half miles East of St. John's Church, on a tract of land of his own entry or purchase, and labored faithfully all the remaining days of



his life among this people. The congregation also secured about the same time the services of a Mr. Friesland as their school-teacher.

On the 22d of October, 1782, three benevolent members of the church council, Jacob Fegert, Marx Hans, and Jacob Thieme, paid the sum of fifty shillings, the accustomed rate, for one hundred acres of Government land, on a portion of which the church had already been built, and entered it, "in trust for the congregation of Dutch Buffalo Meeting-House." The land is now valuable, and has been of much service to the congregation.

The newly organized Lutheran congregations in North Carolina had only one resource, and that was to send to Europe for pastors and teachers; and these congregations were not slow in making this resource available, as may be seen by examining the records of the old church-book belonging to Organ Church. They well knew that to send letters or petitions to Europe for pastors and teachers would accomplish but little. Accordingly, in the year 1772, Christopher Rintelmann, from Organ Church, in Rowan County, and Christopher Layrle, from St. John's Church, in Mecklenburg County, were sent as a delegation to Europe for the purpose of applying to the Consistory Council (Consistorialrath) of Hanover, in Germany, for a supply of ministers of the gospel and school-teachers for the various Lutheran congregations then organized in North Carolina. The reason is also stated why the delegation were instructed to apply to the proper authorities in Hanover in preference to any other place or kingdom: "Because at that time North Carolina, as well as all the other free American States, was under the jurisdiction of the King of England, who was at the same time Elector of Hanover."

These commissioners traveled first to London, and from thence they journeyed to Hanover, and there, in accordance with their instructions to bring at least one pastor and a school-teacher with them, and through the kind efforts of "the late Consistory Counselor Götten," they obtained the Rev. Adolph Nussmann as their pastor, and Mr. Gottfried Arndt as school-teacher; both of whom arrived safely in North Carolina in 1773.

But this was not all the good which these commissioners effected, for by their faithful representations of the condition and want of the churches, the Lutheran congregations in North Carolina, as already seen from the constitution of St. John's Church, were placed under the supervision of the Consistory of Hanover and the University of Gottengen. After the war ended, the money that had been collected.

in Hanover for St. John's Church, which was feared to have been lost or forfeited on account of the action which the Germans in North Carolina took in the war, was nevertheless paid over to that congregation, according to the original intent of the donors.

THE LABORS OF REVS. NUSSMANN AND ARNDT IN NORTH CAROLINA.

The Lutheran Church in North Carolina was peculiarly fortunate in obtaining the services of so learned, devoted and self-sacrificing a Christian minister as was its first pastor, the Rev. Adolph Nussmann.

He located himself at first in Rowan County, near Second Creek, and served Organ and Salisbury Churches, whilst the newly arrived teacher, J. G. Arndt, occupied himself in giving instructions to the children and youth.

After having taken a survey of the field of ministerial labor in the interior of the Province, Rev. Nussmann perceived that he could effect but little by himself; the demand upon his time and energy would be far too great, were he to endeavor to supply all the Lutheran churches.

His only alternative was to have the teacher Arndt ordained, who indeed had received an excellent education in Germany, where much is required of a teacher, and make him a co-laborer in this hopeful field; so, after having properly arranged all church affairs in Rowan County, he resigned the charge into the hands of Rev. Arndt, and removed to St. John's Church, in Mecklenburg County, where he labored industriously and faithfully all the remaining years of his life. He also made a number of missionary tours to Davidson, Guilford, Orange, Stokes and Forsyth Counties.

Rev. Arndt's labors were chiefly confined to Rowan County until after the close of the Revolutionary War, when, in 1786, he removed to Lincoln County, and became the acknowledged founder of the Lutheran Church West of the Catawba River.

Fifteen years did these two faithful servants of God labor alone, under many difficulties and privations, and through all the stormy period of the Revolution, before any additional laborers were sent to their assistance.

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REORGANIZATION OF ECCLESIASTICAL AFFAIRS IN THE LUTHERAN  
CHURCH IN NORTH CAROLINA.

In Rev. A. Nussmann's principal congregation, St. John's, Mecklenburg (Cabarrus) County, N. C., the want of a better house of worship was felt after the war, when the congregation had again become thoroughly organized. On the 6th of November, 1784, a beginning was made "for the purpose of rebuilding St. John's Church" on the same site where the old one stood, in the inclosure of the present grave-yard, near the upper part of it.

The church edifice was completed the following year and was solemnly dedicated on the fourth of July, 1785. Soon after another subscription was taken, for the purpose of purchasing a large gilt silver goblet from their pastor for communion service, which is still used for the same purpose.

In the Organ and Salisbury Churches matters remained unimproved, and those congregations became vacant soon after the restoration of peace, by the removal of Rev. J. G. Arndt to Lincoln County.

A strong effort was made in 1787 at this time by Rev. Nussmann to place the Lutheran Church in North Carolina once more in connection with the parent Church in Germany, and this time he accomplished his purpose.

For the purpose of taking matters into consideration bearing upon the welfare of St. John's Church, a meeting of the church council was called on the 30th of September, 1787, which convened at the pastor's house.

Many charitable persons in Europe had safely deposited a considerable amount of money in London, some time before the Revolution, for the benefit of "the congregation at Dutch Buffalo Creek, Mecklenburg County," which had been appropriated in part for the welfare of that church, and of which £90 sterling, were still remaining on deposit in that city, and which, it was feared, this congregation had forfeited, on account of the action of its members in the Revolution.

This fund had accumulated in 1843 to fifteen hundred dollars, and was then all consumed, contrary to this resolution, in erecting the present church edifice, in which the members of St. John's Church now worship.

The efforts of Rev. Nussmann and his congregation were crowned

with success; the money was secured, needed books were sent, and in compliance with the request of Rev. Nussmann, a second edition of one of those books, named at first "The Helmstaedt Catechism;" was published, and received the title, "North Carolina Catechism."

It is a book containing 254 pages, published in 1788, in the city of Leipzig, by Siegfried Lebrecht Crusius, and also incloses Luther's smaller catechism in its pages. Its chief importance at this time is its historical value, giving us an insight into the manner in which the practical affairs of our churches in the Carolinas were conducted at the time of its publication.

ARRIVAL OF REVS. BERNHARDT, STORCH AND ROSCHEN IN NORTH CAROLINA, A. D. 1787 AND 1788.

In the year 1787 Rev. Nussmann's heart was gladdened in being permitted to welcome another laborer in the mission field of the Lutheran Church in North Carolina. This was the Rev. Christian Eberhardt Bernhardt, a native of Stuttgart, in the kingdom of Württemberg. He was ordained in his native country, and came to America in the year 1786. He landed at Savannah, and then proceeded to Ebenezer, Georgia, where he remained twelve months. In 1787 he went to Rowan County, N. C., and labored among the churches there one year, doubtless in that part of the county East of the Yadkin River, now known as Davidson County. In 1788 he took charge of the congregations in Stokes and Forsyth Counties, which had been organized and frequently visited by Rev. Nussmann; here Rev. Bernhardt was married, but the records do not mention the name of his wife. One year later he removed to Guilford County, where he remained to the close of the year 1800, when he accepted the call to become the pastor of Zion's and several other Lutheran Churches in Lexington District, S. C. This account has been furnished by his daughter-in-law, the widow of the late Rev. David Bernhardt.

In September, 1788, Rev. Nussmann, the faithful pioneer and father of the Lutheran Church in North Carolina, was permitted to grasp the hand of another brother in the ministry, who was sent to his assistance by the Helmstaedt Mission Society, namely: the Rev. Carl August Gottlieb Storch, born in Helmstaedt, Duchy of Brunswick, June 16th, 1764; his father's name was George Friederich

Storch, a native of the city of Danneberg and merchant in Helmstaedt; and his mother's name was Von Asseburg.

In his journal, Rev. Storch makes the following record: "April 16th, 1788, I left Fresenhede and journeyed to North Carolina, in North America. The cause of my making this distant and dangerous journey was as follows: Rev. Adolph Nussmann, who was sent as a minister from Germany to North Carolina in the year 1773, and who is still living, greatly desired Rev. Abbot Velthusen to send him several assistant ministers, when Rev. Velthusen selected and persuaded me to undertake this journey. Upon the ducal consent and command I was examined by the five Helmstaedt professors, and ordained as a minister for North Carolina by Abbot Velthusen. All the expenses of my journey were paid, and, upon request, I received the written assurance from my ruler of the land, that, if I should return after a few years, I should still receive my promotion. Under those circumstances, and in reliance upon God, I went to sea on the 4th of May, 1788, and arrived safely in America, landing in Baltimore on the 27th of June of the same year. From Baltimore I journeyed by water to Charleston in six days. In Charleston I remained fourteen days, purchased a horse for eleven pounds sterling, and rode to Rev. Nussmann's residence, making a circuit of about 300 English miles, and arrived there at the beginning of the month of September, 1788. Rev. Nussmann serves a congregation at Buffalo Creek. After having recruited myself, we made arrangements with the congregation that desired to have me as their pastor. Three congregations elected and called me, namely: the one in Salisbury, where I first took up my residence; the second, named Organ Church, on Second Creek, ten miles from Salisbury; and the third, Pine Church, which, however, I had to resign, and now only serve two congregations, Salisbury and Organ Church, which have promised me in writing £80 North Carolina currency, paper money; the funeral sermons and marriages are paid extra, usually with one dollar. I commenced my ministry on the twenty-third Sunday after Trinity, and at Salisbury the Sunday following. On the 7th of January, 1789, I commenced to preach in the Irish settlement once every month, for which I am promised £13 or £14 North Carolina currency."

A few months after the arrival of Rev. Storch came the Rev. Arnold Roschen, who was likewise sent to North Carolina by the Helmstaedt Mission Society. He was a native of the city of Bremen,

educated by the Rev. Pastor Nicolai, of that city — that is, as is supposed, under his auspices; and, on the eve of his departure to America, married a lady of Bremen, doubtless with a view that he might become permanently settled, and be contented in his new home.

All these facts are gathered from the Helmstaedt Reports, in which these is found also a published letter, which Rev. Roschen wrote to his friend and preceptor, Rev. Nicolai:

“North Carolina, Rowan County, near Abbott’s Creek; in the midst of the forests of North America, sixty-six miles from the Blue Ridge Mountains, eighteen miles from Salem; from April 29th to June 21st, 1789.

“Our journey was a fortunate one, although it lasted twelve weeks from shore to shore, On November 28th, 1788, we were already brought to shore [at Charleston, S. C.].

“At length the wagons, sent by our congregations, came for my things, and horses for us to ride—for every person rides here—and we two began our journey of 300 North Carolina miles on horseback, which was at first very fatiguing.

“We were accompanied several miles on our journey by our friends; our way then went through a great part of South to North Carolina. This overland journey lasted fourteen days, and was very wearisome, as may be readily supposed.

“At length we arrived in Salisbury, where Pastor Storch resides, whom I especially esteem and love as a friend, and who rendered me very important services, where we were as kindly received as we could have expected. Upon the first intelligence of our arrival, the deacons of one the nearest of my congregations, together with some wealthy planters residing there, came to the town to welcome us. The people here knew nothing of compliments, but express their opinions in a manner that indicates good thinking faculties. They informed us that we would not find a dwelling-house as yet prepared for us, because, upon consultation, it was thought best to wait until my arrival, so that I could myself direct the building of the same. And now the whole train moved along, increased by Pastor Storch’s accompanying us, until we came to the place appointed for me, situated on Abbott’s Creek, a small stream that empties itself about twelve miles distant into the Yadkin River. A Deacon of my central congregation took us to his home, where we remained several months, until we moved to our own plantation of two hundred acres of land,

which we have purchased advantageously, assisted by several upright planters of this place; we were advised to take this step by Pastor Nussmann, who came to meet us in Salisbury, in which advice Rev. Storch also joined.

“As soon as we arrived, the Deacons out of three congregations came and visited us. A fourth congregation, which is now almost the largest, also placed itself under my ministry. So now I am the pastor of four churches. The people from all parts of the country brought us abundantly flour, corn, hams, sausages, dried fruit, chickens, turkeys, geese, &c., so much so that there has been scarcely any necessity to spend one farthing for our housekeeping up to this time.”

According to these statements, it may be seen that the Lord of the vineyard had now five laborers in the Lutheran Church in North Carolina, namely Revs. Nussmann, Arndt, Bernhardt, Storch, and Roschen, and they were “workmen that needed not to be ashamed,” for they were all talented men, and filled with the spirit of their Master; besides, they were men of the most profound learning; even Arndt had received an excellent education, although he came to this country in the capacity of a school-teacher, and all had been brought up in the most refined society, and might have been an acquisition and an honor to any college or university in the land; but because they were Germans, and spoke a foreign language, little was ever known of them by the general inhabitants of the State; however, they were so much the better known, and the more highly esteemed by the people among whom they lived, and for whose spiritual welfare they labored.

THE CONDITION OF THE LUTHERAN CHURCH IN NORTH CAROLINA  
DURING THE YEARS 1788 AND 1789.

The missionary spirit in the Lutheran Church was engendered more than two centuries ago, and soon after the close of the Thirty Years' War.

Among the various fields of labor of our pious German forefathers, America was not forgotten. Not only were faithful and self-sacrificing missionaries sent, their salaries paid them by charitable donations of Christians in the Fatherland, but also churches, school-houses, and sometimes orphan asylums were erected and supported. Books of worship and devotion, as well as of education and instruc-

tion also, were sent gratuitously in great numbers to our forefathers in America.

Rev. Roschen in his report says: "Marriages are here performed in two modes; the one, according to the rules of the Church, requires to be announced three times; the other is managed as follows: The groom gets a certificate from Salisbury, rides, accompanied by his friends, with his bride to the minister, or, if there is none in the place, to the magistrate, where the marriage takes place. The first questions of the minister are, whether he has taken his bride without her parents' knowledge—this occurs frequently—and, whether the parents have given their consent. If any one has stolen his bride, and has a license from Salisbury, then the objections of the parents avail nothing. Upon the whole, in this free country, a son, whenever he has arrived at his twenty-first year, and a daughter; as soon as she is eighteen years old, is no longer under the parents' control.

"Rev. Storch and I recently passed by the court-house in Salisbury, at the moment when a man was standing in the pillory. A German called to us to stop awhile and see how the Americans punish rogues and thieves. Upon my asking him, 'The criminal is certainly not a German?' I received the literally true reply, 'Never has a German stood in the pillory in Salisbury; nor has ever a German been hung in this place.'

Pastor Storch commenced his labors at Organ Church, October 26th, 1788; and in Salisbury on the Sunday following, November 2d, being the 23d and 24th Sundays after Trinity. A very concise constitution was introduced and adopted on the following New Year's Day, 1789, which, however, contains nothing of special interest to the general reader.

Organ Church alone promised their pastor an annual salary of £40, North Carolina currency, and the number of those members, who subscribed this amount, and undersigned the new constitution, amounted to seventy-eight persons.

In the year 1791, the present massive and, as was then considered, large and commodious stone church was erected, having large galleries on each side, except where the pulpit stands; and an organ, excellent in its day, built by one of its members, Mr. Steigerwalt, was placed in the centre of the long gallery, and opposite the pulpit. The pulpit, as a matter of course, was goblet-shaped, with a sounding-board overhead.



The first *English* Lutheran preacher in North Carolina was the Rev. Robert Johnson Miller, who was a Scotchman by birth, a native of Baldovia, Angusshire, near Dundee, born July 11th, 1758, the third son of George and Margaret Miller. His parents designed him to study for the ministry, and for this purpose sent him to the Dundee classical school. After he had completed his education there, and before he entered the ministry, he migrated to America, and arrived in Charlestown, Massachusetts, A. D. 1774. His brother, an East and West India merchant of that place, had invited him from Scotland to reside with him, with whom he labored as an assistant in his business for some time.

It now happened that his adopted country became involved in the Revolutionary struggle, when he at once declared himself a friend of liberty, and as soon as General Greene passed through Boston with his army, young Miller enlisted as a Revolutionary soldier. He was engaged in the battle of Long Island (where he received a flesh wound in the face), of Brandywine, White Plains, and the siege of Valley Forge; but God preserved his life in all these engagements, as He had a more glorious work in store for him. With the army he traveled to the South, where he remained after peace was declared and the army disbanded.

He now remembered his duty to God, his former vows, and his preparation for the ministry, and applied for license to preach the Gospel in connection with the Methodist Episcopal Church, as the minutes of the Methodist Conference plainly indicate; and thus authorized, he commenced preaching in the Western counties of North Carolina, traveling often one hundred miles to meet his appointments.

Although licensed to preach by the Methodist Episcopal Conference, yet not having the authority to administer the sacraments, his people of White Haven Church, in Lincoln County, sent a petition to the Lutheran pastors of Cabarrus and Rowan Counties, with high recommendations, praying that he might be ordained by them, which was accordingly done at St. John's Church, Cabarrus County, on the 20th of May, 1794.

On the reverse side of this certificate the Lutheran ministers gave their reasons why they had ordained a man who was attached to the Episcopal Church as a minister of that denomination.

It is but reasonable to conclude that the first ecclesiastical assembly of the Lutheran Church in North Carolina was held in St. John's

Church, Cabarrus County, in the month of May, 1794, and that the first minister ordained by that Lutheran Ministerium was the Rev. R. J. Miller.

Rev. Nussmann's labors in North Carolina extended over a period of more than twenty years, remaining faithfully at his post until God called him to his rest. He was the pioneer minister of the Lutheran Church in the State, and commenced his labors among his people in the days of their colonial hardships and trials; he had been with them through all the devastating influences of a most sanguinary war; he had seen them rise again to comparative comfort and prosperity under the new government; he had ministered to them in all circumstances of life, and had himself experienced many trials and afflictions through which he was called to pass.

Shortly after Rev. Nussmann came to this country he was united in marriage to Barbara Layrle, a daughter of Christopher Layrle, one of the deputies sent to Germany to bring pastors and teachers to North Carolina; with her he lived in blissful harmony, and was the father of several sons and daughters. His grandchildren and descendants to the fifth generation are still to be met with in Central North Carolina.

Pastor. Nussmann had for some time been afflicted with a cancer on his neck, and it became evident that it would terminate in his death, yet he bore his affliction meekly and with Christian fortitude, when, on the 3d of November, 1794, his family and friends were called to witness the departure of a faithful husband, father and pastor. He died in the triumphs of that Gospel which he faithfully preached.

A few months after Nussmann's death God called another and once active laborer in the Lutheran Church in the Carolinas to his rest; this was the Rev. John Nicholas Martin, who had become aged and infirm, and was no longer able to perform any active duties of the gospel ministry, but who still took a deep interest in the welfare of the Church. "He was born at Zweibrücken (Deux-Ponts), in Rhenish Bavaria, and emigrated to North America about the middle of the eighteenth century. He was then a married man with several children. The colony, after some delay, settled in Anson County, near South Carolina. From this point Rev. Martin, with the larger portion of his congregation, removed to a district between the Broad and Saluda Rivers," but labored mostly in Charleston, as pastor of St. John's Church, where he finally made his permanent home on a

farm located about a mile from the city; "there he closed his honored and useful life, July 27th, 1795." His descendants are numerous, the most of whom are still attached to the Lutheran Church, and are devoted members of the same.

In the year 1801 the Rev. Philip Henkel, a son of Rev. Paul Henkel, came to North Carolina and took charge of the Guilford pastorate, made vacant by the removal of Rev. Bernhardt to South Carolina. It is stated in the Helmstaedt Reports that a third minister was to have been sent by Helmstaedt Mission Society to North Carolina; he is spoken of as "a candidate of a noble heart and excellent attainments," but for some reason or other he never came to America.

ST. JOHN'S CHURCH, CABARRUS COUNTY, N. C., AFTER REV. NUSSMANN'S DEATH.

After the death of Pastor Nussman, St. John's Church remained vacant for two years, after which time it was supplied temporarily one year with the labors of Rev. Storch, so his journal informs us, and in 1797 the Rev. Adam Nicholas Marcard, who had been laboring in the vicinity, at Coldwater Creek, a newly organized church, became the pastor of St. John's Church, and labored there nearly three years, and then also removed to South Carolina.

As no other pastor could be obtained, Rev. Storch took charge of this congregation and served it in connection with his other churches, and remained their pastor until the year 1821, laboring as faithfully as his health would permit.

The condition of the Lutheran Church in North Carolina is reported in a letter of Rev. Storch to Rev. Dr. Velthusen, dated "Salisbury, N. C., February 25th, 1803." Pastor Storch writes:

"The congregations at the Catawba River are without a preacher. The faithful brother, Ahrend, has become totally blind. It is a sad calamity for that good man and the churches. The Buffalo Creek congregation (St. John's) is likewise unprovided for; however, it has at present the hope of obtaining the services of a brother of Paul Henkel, the successor of our Roschen. Rev. Bernhardt has left his situation in Guilford, and is now serving for the past two years several congregations in South Carolina. The congregations in Guilford County are now served by a son of Rev. Paul Henkel."

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THE NORTH CAROLINA SYNOD.

The North Carolina Lutheran ministry, having no dependence upon which they could rely other than their own efforts, and having been reinforced by a number of ministers, originated the North Carolina Synod or Conference, for so were Synods then sometimes denominated by our German ministers. This Conference or Synod stood under no jurisdiction of any other or higher ecclesiastical body, but had the power to exercise sole jurisdiction for itself from its commencement; "in which," says Rev. Paul Henkel in 1806, "they and the lay delegates transacted the usual business of the Church as in other States."

The Lutheran Church in North Carolina felt the necessity of organizing a Synod, in order to labor for its continuance and future prosperity, for there was no Lutheran Synod in all the Southern States.

The first session of the North Carolina Synod was held in the town of Salisbury, on Monday, May 2d, 1803. On the preceding Saturday and Sunday, the ministers held divine services and administered the holy communion to a large assembly in Pine (Union) Church, four miles from Salisbury.

The names of the ministers present at that first Synod were: Rev. Gottfried Arndt, of Lincoln County; Rev. Robert J. Miller, of the same county; Rev. Carl A. G. Storch, near Salisbury; Rev. Paul Henkel, from Abbot's Creek, Rowan (Davidson) County. These ministers, with a number of Elders and Deacons from most of the congregations as lay representatives, formed the North Carolina Synod, which is the oldest Lutheran Synod in the Southern States, and the third Synod in America in point of time, the Pennsylvania and New York Synods having preceded it in their organization.

From the German minutes of a Virginia Conference, held in the New Roeder's Church, in Rockingham County, A. D. 1806, and published by the Rev. Paul Henkel, is taken the following interesting account of the condition of all the Lutheran congregations in the State of North Carolina at that time. Rev. Henkel writes:

"As soon as the Germans had located themselves in different parts of North Carolina, they became concerned about the regular administration of Church worship and ordinances in their midst. They soon erected houses of worship according to their ability, which were generally the joint property of both the Lutheran and German Reformed Christians.

"In that region, which lies partly in Orange and partly in Guilford Counties, there are three Lutheran and three Reformed Churches, besides one other joint church, named Frieden's, which is served in connection with the others. Since the year 1801, Rev. Henry Diefenbach has served the Reformed Churches, and in the same year Rev. Philip Henkel was called to serve as Lutheran pastor, who remained there until 1806, when he accepted a call to an enlarged field of labor in Lincoln County.

"In Rowan County (now Davidson) on Abbot's Creek we find three joint and one Lutheran Church on the Sandhills. These were served by the Rev. Paul Henkel, from the year 1800 to 1805, when he was necessitated to resign this charge, on account of the failure of his own and his family's health; he therefore introduced the Rev. Ludwig Markert as candidate preacher into these congregations, which he was himself compelled to leave.

"In the vicinity of Salisbury, Rowan County, there are three strong Lutheran congregations, which have been served by the Rev. Charles Storch for nearly twenty years. Some twenty years past, there was a tolerably strong German congregation in Salisbury; they had erected a comfortable church for themselves, but as the German people and their language were changed into English, the German worship soon became extinct.

"Near Buffalo Creek, Cabarrus County, we find one of the strongest German Lutheran Churches in the whole State; however, since the death of their former pastor, Rev. Adolph Nussmann, which occurred some twelve years ago, the congregation has suffered much, as it is now served by Rev. Storch, who moved a little nearer to this congregation.

"About eighteen miles from Salisbury there is another church, which was built by the Germans as a joint house of worship, but as they are so much intermingled with English settlers, this German congregation will also become extinct. Many English residents had become members of this church. During the visits of Rev. Paul Henkel in the fall season, from 1785 to 1789, many adult and aged persons were baptized, instructed and confirmed, and thus a very strong congregation was gathered.

"In Lincoln County there are eight or nine congregations, several of which are quite large. All these have erected joint houses of worship. The Lutheran congregations were served by the Rev. Gottfried Arndt for twenty years. Before that time he had labored

in the vicinity of Salisbury, and even at that time he often traveled among these churches, and performed official duties, as far as his circumstances would permit.

"In Burke County there are also a number of Germans, among whom, as yet, no church has been built. Rev. Arndt preached there several times, so also did the Rev. Paul Henkel, in the German and English languages, during his visit through that county in 1787. In May, 1804, he made another visit among this people in company with the German Reformed minister, Rev. Jacob Laros.

"In Wilkes County may be found a small German flock in the wilderness."

At the first session of the North Carolina Synod, held in Salisbury, May 2d, 1803, very little business was transacted. The Synod was then simply organized, and a resolution was passed, at the suggestion of Rev. Arndt, that Rev. Paul Henkel should visit Rev. Arndt's charge in Lincoln County the following August, in order to perform the necessary official duties, to which Rev. Arndt could not attend, owing to the loss of his eyesight and his feeble health. Rev. Henkel attended to this duty.

The second session of Synod was held at Lincolnton, N. C., October 17th, 1803, where a constitution was adopted, consisting of nine articles. They are much the same as are generally adopted by all Lutheran Synods. The fourth article requires candidates of the ministry "to understand the order of the Latin language, and so much of Greek as to be able to understand the New Testament." Rev. J. G. Arndt was President, and Rev. R. J. Miller was Secretary of this synodical convention.

The third session of Synod was held at Abbot's Creek Church, in Davidson County, October 21st, 1804. Rev. Paul Henkel was elected President, and Rev. Miller, Secretary. Very little business was transacted at this session of Synod, because nearly all the ministers were unfitted for duty on account of sickness. It was resolved that a special conference be held at Pine Church, Rowan County, the following April, for the purpose of ordaining Rev. Philip Henkel. John Michael Rueckhert and Ludwig Markert were licensed as catechets. The next session of Synod was held at Organ Church, Rowan County, October 20th, 1806. Rev. Storch was chosen President, and Rev. Bernhardt, Secretary.

There appears to have been no meeting of Synod during the years 1807 and 1808, doubtless prevented by the prevailing sickness during the fall season.

In the year 1809, August 7th, the Synod was convened in Guilford County, at which meeting some additional articles were added to the constitution. The officers of Synod were Rev. Charles A. Storch, President, and Rev. Ludwig Markert, Secretary.

On the 22d of October, 1810, the Synod convened at Organ Church, at which time a considerable amount of business was transacted. The Rev. C. A. Storch was re-elected President, and Rev. Gottlieb Shober was elected Secretary. At this meeting there were ten ministers present, and the names of the lay delegates were published for the first time. Rev. G. Shober was ordained to the gospel ministry; he was a member of the Moravian Church, and continued in connection with that church to the close of his life; nevertheless, he became a Lutheran minister, and was pastor of several Lutheran congregations in the vicinity of Salem, N. C., where he resided, and served those congregations during his life. Revs. Storch, Miller and Philip Henkel officiated at his ordination.

The names of all the congregations belonging to the Synod, with their pastors, lay readers, Elders and Deacons, are appended to the minutes; the names of these churches are as follows:

*Rev. Storch's pastorate:* Zion's or Organ, Buffalo Creek or St. John's, Irish Settlement, now Luther Chapel; Pine, now Union; Crooked Creek, and Bear Creek, now Bethel.

*Rev. Markert's pastorate:* Pilgrim's, Beck's, Schweiszguth (Swicegood), now Sandy Creek; Lau's, Frieden's, Graves, now St. Paul's, Alamance County. Richland Church was supplied by Jacob Krieson as catechet or lay reader.

*Rev. Shober's pastorate:* Muddy Creek and Dutchman's Creek.

*Rev. Philip Henkel's pastorate:* St. John's, Old Church, Schoolhouse Church, Kasner's, Lebanon, Emanuel's, Hebron, and Zion's, all in Lincoln County.

"*Various congregations in South Carolina*, which connected themselves with our Synod:" Bethel Church, on High Hill Creek; St. Peter's, Zion's, and a Reformed Church, of which Henry Kuhn, Samuel Bockman, and Henry Schull were the Elders.

A synodial seal was also adopted with certain devices, bearing the words "Pax vobis" and "Sigil. Minist. Evang. Luth. in Carolia Sept. et Stat. vicin." A lengthy explanation of the devices and a translation of the Latin words as quoted above are given in the minutes.

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MISSIONARY TOURS OF REVS. MILLER, FRANKLOW AND SCHERER.

The meeting of the Synod of 1811 was not well attended, hence very little business was transacted. A special meeting of Synod was therefore held in April, 1812, at which time the Synod numbered twelve ministers, including the licentiates.

The parochial reports, ranging from two to twenty-four years, and which had never been handed in before, sum up as follows: 26 congregations, 2,071 confirmations, 100 adult baptisms; infant baptisms and communicants were not reported; besides these are the reports of only five of the ministers whose congregations were all located in North Carolina.

"It was resolved that Sunday-schools should be publicly recommended from the pulpit in all our congregations."

A written plan, embracing ten articles, was presented to Synod for the purpose "of establishing schools for our poor children," to be supported by voluntary donations from the members of the church; in which schools the German and English languages were to be taught.

On the 18th of October, 1812, the regular session of Synod was held. President, Rev. R. J. Miller, and Rev. G. Shober, Secretary. Rev. Jacob Scherer was ordained at this meeting. A letter from Rev. J. G. Schmucker, of York, Pa., was read, acknowledging the receipt of the friendly letter from the North Carolina Synod, by the Ministerium of Pennsylvania, and informing the Synod that their President, Rev. Mr. Helmuth, was requested to reply to the same.

The following condensed missionary report of Rev. Philip Henkel is inserted in the minutes: "I served as missionary preacher from the 11th of May to the 7th of August; traveled 1,534 miles, preached 50 times, baptized 115 children and 4 adults, and administered the Lord's Supper 4 times, in all to 45 communicants. I found in the States of North Carolina, Tennessee and Virginia many deserted congregations, and they everywhere pray that preachers be sent them."

Two new congregations, organized by Rev. Shober, named Hopewell and Bethlehem, were received in connection with the Synod; so also was the Sandy Run congregation in South Carolina, under the pastoral care of Rev. Godfrey Dreher.

The Synod of 1813 convened in Pilgrim's Church, Davidson County, N. C., in October; it was well attended by ministers and lay delegates. Rev. Storch was elected President, and Rev. Shober,



Secretary. Revs. David Henkel, J. P. Schmucker, and Daniel Moser, were licensed to the ministry.

It was resolved to petition the Moravian Church for one or more ministers to labor in connection with the Synod, to supply the "want of able laborers in the vineyard of the Lord entrusted to the Synod."

On the 16th of October, 1814, the Synod convened at Organ Church, Rowan County, N. C. At this meeting there were eighteen ministers present, twelve of whom were licentiates. The officers of the preceding year were re-elected.

The following congregations were received in connection with the Synod: St. Michael's and Paul's (Rall's), Lexington District, S. C. One congregation in Newberry District, S. C., of which Michael and Peter Rickard, Andrew Wecker, and Martin Kinard, were elders; and Coldwater Church, in Cabarrus County, N. C.

In accordance with a written communication from brother John Dreher, of South Carolina, and upon his desire, it was—

*"Resolved*, That negro slaves be instructed in our holy religion, and be received into our church as members; and that congregations should make proper arrangements in their houses of worship to give the slaves also the opportunity to hear the Gospel."

It was also—

*"Resolved*, That all our ministers unite themselves to labor against the pernicious influence and consequences of dancing, and seek to prevent it in every possible way.

*"Resolved*, That a special conference be held on the third Sunday after Easter, in St. Michael's Church, Lexington District, S. C."

An appendix to the minutes contains the correspondence as ordered by Synod at its last meeting, between the Synod's committee, Revs. Storch and Shober, and Bishop Van Vleck, of the Moravian Church, on the subject of obtaining a supply of ministers from that Church. And although the Bishop's letter was a friendly one, yet he regretted exceedingly, that at that time, no minister of their Church could be spared.

October 15th, 1815, the Synod convened in the Lutheran Church in Lincolnton, N. C., but on account of sickness, few ministers were present.

*"Resolved*, That no minister has a right to leave his congregations and labor in another field whenever he deems it advisable, without informing the Elders and Deacons of his intention some time beforehand, and the matter be brought before Synod for final decision."

A congregation at McCobbin's Creek, Mecklenburg County, N. C., was received in connection with Synod. Quite a number of petitions from three congregations in Fairfield County, Ohio, from Washington County, Indiana, then still a Territory, and from Sevier County, Tennessee, were presented, petitioning Synod for ministers of the gospel, but which could only be partially or occasionally supplied with the means of grace by a visiting minister.

Two congregations in Iredell County, N. C., named New Pearth (now St. Michael's) and Christ Churches, were taken into connection with the Synod. The other transactions of this meeting of Synod are of no special interest.

The new congregations that were formed in North Carolina under the Synod are the following:

1. *Bethel Church, Stanly County, N. C.*, which is more commonly known as "Bear Creek Church," on account of its contiguity to that stream. It was at this time a unitedly Lutheran and Reformed congregation, and its Lutheran members mostly belonged previously to St. John's Church, Cabarrus County. About the year 1804 divine worship was held in Christopher Layrle's barn for two or three years, who donated one hundred acres of well-timbered land to the newly organized congregation; the male members then went to work in felling the trees, squaring the logs, and piling them up in true colonial style, until the new church edifice was sufficiently elevated for having the roof placed upon it, and other necessary work done to it. The following extract is a translation from its church-book: "We erected this church on the 19th and 20th of March, 1806, in the Western part of Montgomery (Stanly) County, which was quickly brought under roof, and was made so far comfortable that on the following 25th May (Whit Sunday), service was held in it for the first time by Rev. George Boger (a German Reformed minister), who was our pastor at that time."

The church was afterwards completed at a cost of about \$300, and presented a very respectable and comfortable appearance.

The congregation was for a long time deprived of the services of a regular Lutheran pastor, but was frequently visited by Revs. Storch and J. W. Meyer; and was received into connection with the Synod in the year 1810.

2. *Coldwater Creek Church, Cabarrus-County, N. C.*, now St. James Church, Concord, N. C. The early records of this congregation have all been destroyed.

Coldwater Church was at one time the oldest German religious organization in Western North Carolina; it had a pastor even before the Rev. A. Nussmann came to America in 1773; this pastor was the Rev. Mr. Suther, a German Reformed minister, some of whose descendants are still living in Concord, N. C., and are worthy members of the Lutheran Church there.

In the minutes of the North Carolina Synod mention is first made of this church in the year 1814, when it was received in connection with the Synod, giving the names of Philip Cress and Michael Winecoff as its church officers, and it is exceedingly probable that its organization as a Lutheran congregation, worshipping with the German Reformed, dates back only to about that time. In the year 1843, under the pastoral care of Rev. W. G. Harter, the Lutheran congregation withdrew from the Coldwater Church and erected their own house of worship in the town of Concord, adopting the name of St. James' Church, where it continues to exist to the present day.

*St. Michael's Church, Iredell County, North Carolina.*—The German citizens of Iredell County came originally from Rowan and Cabarrus Counties.

This influx of a German population occurred about the close of the last or commencement of the present century, and owing to the peculiarities of their settlement here, many of them are inter-married with the original Scotch-Irish colonists, and nearly all are more or less scattered over the whole of that country, and some of them are of necessity located rather remotely from their own house of worship.

The Rev. R. J. Miller was the first Lutheran minister who gathered the German settlers in Iredell County into a congregation, A. D. 1815. This fact is ascertained from the church records, as well as from the minutes of the Synod of 1815, when that congregation was admitted under the name of "New Pearth." The church land was donated by Mr. Daniel Walcher, and was given as joint property for the use of both the Lutheran and Episcopal denominations, and was so continued as a union house of worship for several years, when the Episcopalians withdrew and erected their own church a few miles distant from St. Michael's Church, leaving the Lutheran congregation the sole possessor of that property.

The church edifice has since been considerably enlarged, and is located on a pleasant site near the public road leading from Charlotte to Statesville. Rev. Mr. Miller continued to labor here for six years, when he voluntarily disconnected himself from the Lutheran

Church, in 1821. It was in this congregation that the Rev. Simeon W. Harkey, D. D., and his brothers, who are also in the ministry, were born and reared up for enlarged usefulness in the Lutheran Church. St. Michael's Church has lost heavily by the removal of many of its members, principally to the State of Illinois.

*McCobbin's Creek Church, Mecklenburg County, N. C.*, is also mentioned in the minutes of the North Carolina Synod as having been received into its connection in 1815. Of its history nothing is known to the writer; it is probable that this is the present "Morning Star Church" in that county, and now connected with the Tennessee Synod.

The various churches in Lincoln County, N. C., were served with the pastoral labors of Revs. R. J. Miller, David Henkel and Daniel Moser; the latter became the successor of Rev. Philip Henkel, who had resigned and accepted the call to the Tennessee congregations, made vacant by the death of Rev. C. Z. H. Smith.

The two congregations in Cabarrus County were supplied by the Rev. C. A. G. Storch; St. John's Church was served as a part of his regular charge, whilst the Coldwater congregation received occasional visits from him. The other now existing congregations in this county were not organized at that time.

In Rowan County Rev. Storch was laboring still at Organ Church, in the bounds of which he then resided; it is probable that he also served Savage's or Sewits' Church, now called Lutheran Chapel; but the Union or Pine Church he had resigned, and the Rev. J. W. Meyer became its pastor.

St. John's Church, in Salisbury, was at this time still vacant; it had become a neglected field, and according to the provisions in the title granted by Mr. Beard, the Episcopalians occupied the church, since they had no house of worship of their own, and the few remaining Lutherans worshipped with them.

The churches in Davidson County were served faithfully by their pastor, Rev. Lewis Markert, from 1805 to 1816, when he removed to the State of Indiana, where he continued to labor until the Lord called him home, November 22d, 1850. After the removal of Rev. Markert, and at the request of the vacant congregations, the Synod, in 1816, appointed Rev. G. Shober to supply two of the churches of that charge, whilst the remaining two were placed under the care of Rev. J. W. Meyer. In 1817, Catechet Daniel Walcher was sent by Synod to labor in these vacant churches, where he remained until 1821, when he removed to Pendleton County, Virginia.

In the year 1810, the Rev. Jacob Scherer became the pastor of the churches in Guilford and Orange Counties, which had been vacant about four years, but through the energetic and faithful labors of Rev. Scherer's ministry, this charge became one of the most promising in the State. His chatechetical instructions were specially blessed. At one time a certain young man came to him and declared that "he would not for the whole world have been without these instructions, for by means of them he had found what was worth more than the world to him." The Rev. Jacob Grieson was licensed to preach the gospel in 1810, and labored as an assistant pastor with Rev. Scherer, accomplishing much good, and was always willing and prepared to lighten the burdens and labors of the regular pastor in that extensive charge.

The congregations in Forsyth County, near Salem, N. C., were greatly built up by the efficient labors of their first pastor, the Rev. Gottlieb Shober, who commenced his ministry there in 1810, and continued in charge of these churches to the close of his life, June 27th, 1838.

On the 17th of July, 1820, Revs. Jacob Zink, Paul Henkel, Adam Miller, Philip Henkel and George Easterly, with delegates from the Tennessee congregations, met in Solomon's Church, Cove Creek Green County, Tennessee, and organized the Tennessee Synod. Rev. David Henkel could not attend this meeting, but acknowledged himself a member of the new organization. The separation was now fully effected, and both Synods labored industriously in their own selected spheres of usefulness; not, however, without considerable opposition to each other, and the publication of controversy.

*St. John's Church, Salisbury, N. C.*—In the year 1818, whilst the Episcopalians were worshipping in this church, they made the proposition to erect a new frame church, the old log building being greatly out of repair. The members of the Lutheran Church agreed to this proposal, and also aided in the building of the new house of worship.

However, this arrangement gave rise to serious difficulties; as soon as the new church was completed, the question of its dedication arose, and the Lutherans were fearful that, if the church should be consecrated by a Bishop of the Episcopal Church, they would forfeit their right and title in the property. And thus it was, whilst the Lutherans claimed the land on which the church stood, the Episcopalians claimed the building. Whose, then, was the church?

Who had the right to worship there? These questions seriously agitated the minds and feelings of both parties; but before any very decisive hostile steps were taken, and in order to compromise, the Lutherans agreed to purchase the interest in the building to which the Episcopalians laid claim, gave their bond in the meantime for the amount agreed upon, and afterwards raised the funds by subscription to liquidate the debt.

In August, 1822, the President of the North Carolina Synod, Rev. G. Shober, sent a written communication to the members of the Lutheran Church in Salisbury, which was publicly read to them. It is herewith inserted in order to show the sad state of this congregation at that time:

*“Respected Friends, members of the Lutheran Church by Birthright or otherwise:*

“Being appointed by the Lutheran Church in our last Synod, President of the same for one year, I regard it as being part of my duty during the recess of the Synod, to have a constant eye towards the preservation of the same in all its rights, privileges and possessions, and to encourage the revival of former congregations.

“I am convinced by the reading of the deed of conveyance from Mr. Beard, deceased, to our Church, for a lot of ground, near or in Salisbury, where the church now stands, that we have an undoubted right for the same; that there was, for many years, regular service performed by the Rev. Senior Storch, is well known, and it only abated on account of his disability to attend. It is my opinion that we, as a Church, are acting disrespectfully to the donor of the lot and to his heirs, who, by that deed, are expressly charged to protect us in the rights and privileges of the same, and that it is a dereliction of duty in the members of our Church not to preserve the lot and burying-ground, particularly for the interment of the heirs of the donor, and members of our Church and their descendants, and also from being a general burying-ground.

“I therefore beg leave to advise you *now* to elect Elders and trustees, whose duty it is, according to law, to preserve the property of the church as trustees (particularly if the heirs of the donor decline acting as such), and also to give to them the necessary authority to regulate all external things according to the constitution and rules of our church.

"I beg leave further to propose that if you agree to revive a congregation according to our rules, by appointing Elders and trustees, to appoint a time when the church can be dedicated by our ministry and according to our form of worship, when two or three ministers of our church will attend for that purpose; other preachers may also be invited to attend and to preach the Word, all for the purpose of causing a revival of true religion for our department of the Church of Christ, by whose Spirit alone it can, through the Word, be effected. But it is to be observed that only such Lutheran ministers as are in union with our Synod, and such who bring and show credentials of being duly appointed in other States, can be admitted. The standing of each minister must be inquired into by the Elders, who have the power to admit or refuse.

"In expectation that the Lord will bless your exertions for the revival of the congregation of the Lutheran Church,

"I remain, your humble servant,

"G. SHOBER."

This communication, sent by Rev. Shober to the remaining Lutherans of Salisbury, had the desired effect of once more rousing and encouraging them to action. On the 20th of September, 1822, the following articles, drawn up by Hon. Charles Fisher, member of Congress, for the purpose of re-organizing the old Lutheran congregation, were sent around to the citizens of Salisbury for their signatures:

"SALISBURY LUTHERAN CHURCH.

"We, the subscribers, believing that the cause of religion will be promoted by re-establishing the Lutheran congregation which formerly existed in the town of Salisbury, and believing, moreover, that it is a sacred duty we owe to the memories of our fathers and predecessors no longer to suffer the church and the grave-yard where their bodies are at rest to lie in neglect and disregard, do hereby agree to unite our names and efforts to the purpose of reviving the congregation, keeping the grave-yard in decent order, and for other purposes properly connected with a work of the kind. We further agree to meet at the church on such day as may be fixed upon for the purpose of consulting together upon such subjects as may be

connected with the establishment and prosperity of the congregation.

"Dated and signed by

JOHN BEARD, SR.,	JOHN H. SWINK,
CHARLES FISHER,	BERNHARDT KREITER,
DANIEL CRESS,	LEWIS UTZMANN,
PETER CRIDER,	H. ALLEMONG,
JOHN TREXLER,	M. BRUNER,
JOHN BEARD, JR.,	JOHN ALLBRIGHT,
PETER H. SWINK,	HENRY SWINKWAG."
MOSES BROWN,	

Through the efforts of Mr. John Beard, Sr., the devoted friend and firm member of the Lutheran Church at that time, funds were collected for the purpose of inclosing the grave-yard, which had long been neglected.

For some time no regular pastor could be obtained, and the energies of the members again lay dormant until the year 1825, when brighter prospects dawned upon this neglected congregation and once more revived the hopes of its members. A meeting of a respectable number of the citizens of Salisbury and its vicinity was held in the church on the 3d of September, 1825, for the purpose of adopting measures to re-organize a Lutheran congregation; John Beard, Sr., was called to the chair, and Charles Fisher appointed Secretary.

"After due deliberation as to the best method of accomplishing the object of the meeting, it was unanimously resolved, that a committee of two persons be appointed to draft an instrument of writing, and offer the same for the signature of such persons in the town of Salisbury and its vicinity as are disposed to aid in the formation of a Lutheran congregation in this place, either by becoming members of said congregation, or supporters thereof. Messrs. John Beard and James Brown were accordingly appointed to compose said committee.

"It was further resolved, that a committee, consisting of George Vogler and Robert Mull, be and are hereby appointed to offer a subscription list to the good people of Salisbury and vicinity for the support of a Lutheran clergyman for preaching part of his time for one year in the town of Salisbury. The meeting then adjourned to meet again the following Monday.

"CHARLES FISHER,  
"Secretary."



"At a subsequent meeting George Vogler was appointed treasurer, and Henry C. Kern recording secretary of this society. It was also resolved that a Bible be purchased and deposited in the church, to be the property of the same forever. The church council elected at this meeting were: Elders—Messrs. John Beard, Sr., George Vogler, Moses Brown. Deacons—Messrs. Nathan Brown, George Fraley and Henry C. Kern."

In the year 1826 the Rev. John Reck, having received and accepted the call tendered him, became the pastor of this church; the number of communicants at that time was but fourteen, which, however, steadily increased under the faithful ministrations of their pastor, who was greatly beloved by the people, and through his zeal and energy accomplished much for his Master's kingdom.

The condition of this church under Rev. Reck's ministry in 1827 is stated in the minutes of the North Carolina Synod, as follows: "In Salisbury, where eighteen months ago there was no regularly organized Lutheran congregation, there are now thirty members in full communion; and by the active measures of several respectable persons, a large and commodious church has been purchased and a subscription raised to pay for it. In this place a lecture meeting is held once a week, which is generally well attended, and not unfrequently the utmost solemnity pervades the audience. The people are liberal and attentive to the cause of benevolence, and assist in supporting Bible, missionary and other religious societies."

Thus might this church have been greatly increased in strength, energy and usefulness, but Rev. J. Reck, after having been its pastor for five years, felt it his duty to resign and return to Maryland, and after this time the congregation had such a continued and rapid succession of ministers, besides having been at times also unsupplied with the stated means of grace, as to be unable to command the influence which the regular ministrations of a permanent pastor might have given it.

*St. John's Church, Cabarrus County, N. C.*—In the last account of this church, it was seen that the Rev. C. A. G. Storch was the pastor of this congregation, but his health having become too feeble to attend to the wants of so many churches, he introduced the Rev. Daniel Scherer as his successor. During a communion season in the spring of 1821, when a large class of catechumens, numbering seventy-seven persons, were confirmed, their aged pastor being present, but too feeble to stand during the ceremony, called all his

catechumens to him, and gave them and the other members and friends of the church his last farewell. So affecting was the scene, that the whole of that vast assembly were moved to tears, and long has the serious lesson been remembered, which their aged pastor addressed to them at that time, whilst he held out his hand to each, and gave them his parting blessing.

Rev. Daniel Scherer proved himself to have been likewise a faithful pastor. He was much beloved by his people, and remained nearly ten years among them; however, during his ministry and for some time previous, a large number of persons from St. John's and other Lutheran Churches in North Carolina settled themselves in Illinois Territory, and their pastor's heart followed them to the wild prairies of their newly-adopted country, and he soon cast his lot among them, and labored there for their spiritual good.

*Organ Church, Rowan County, North Carolina.*—As Rev. Storch was the pastor of this congregation as well as that of St. John's, it had much the same history at this time. Rev. Daniel Scherer also became his successor here some two years afterwards. Thirty-five years did Rev. Storch labor in this church, and with great success. It was the first congregation he served, and the last he resigned. He lived in favor with God and man; his example and usefulness are still felt, and his memory is cherished with affection by all who knew him. During this period he baptized 1,500 children, and confirmed 1,300 young people in Organ Church alone, and probably as many more in the other churches under his charge.

At length the feeble state of his health compelled him to resign this church also in 1823. His successor labored here likewise with much success, and had at one time probably the largest class of catechumens, numbering 83 persons, that were confirmed in this church, during a session of the North Carolina Synod at this place, in which ceremony their aged pastor took the deepest interest.

Rev. Scherer labored but six years in this congregation. As he had the oversight of so many churches, he thought it advisable to resign some portion of his charge into the hands of another minister, in order to do justice to the cause of Christ, and Rev. Jacob Kaempfer became his successor in 1829.

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FRATERNAL UNION OF THE NORTH CAROLINA SYNOD WITH THE PROTESTANT EPISCOPAL CONVENTION OF NORTH CAROLINA.

The first step taken in this direction was Rev. Robert J. Miller's attendance upon the Episcopal Convention held in Raleigh, April 28th, 1821. His object was to connect himself fully with the Episcopal Church, to which he really belonged, having been ordained by the Lutheran ministers of North Carolina in 1794 as an Episcopal minister, and the pastor of an Episcopal congregation, White Haven Church, in Lincoln County, but because there was no Episcopal diocese at that time in the State, he was admitted as a member of the Lutheran North Carolina Synod at its organization in 1803.

From the journal of the Episcopal North Carolina Convention of 1818, the following item of intelligence is taken: "Previously to November, 1816, there was no Episcopal clergyman in this State, and but one congregation in which the worship of our Church was performed." That having been the condition of the Episcopal Church at that period, Rev. Miller felt it his duty to form a temporary connection with the Lutheran Church and continued to labor for her welfare twenty-seven years, when, in 1821, he severed that connection, and was ordained in Raleigh to deacon's and priest's orders in the Episcopal ministry in one day. Whilst in attendance at said Convention, Rev. Miller proposed to effect, "as far as practicable, intercourse and union between the Episcopalians and some of the Lutheran congregations." His proposition was referred to the Committee on the State of the Church, who afterwards reported as follows:

"A very interesting communication has this session been laid before the committee, on the subject of a union between that truly respectable denomination, the Lutherans, and our Church. To carry this measure into effect, the committee propose the following resolution:

"*Resolved*, That a committee, consisting of three persons, two clerical and one lay member, be appointed to meet the Synod of the Lutheran Church, to consider and agree upon such terms of union as may tend to the mutual advantage and welfare of both Churches, not inconsistent with the constitution and canons of this Church, or the Protestant Episcopal Church in the United States.

"The Convention then proceeded to take into consideration the

resolution proposed by the committee, when it was adopted, and the Rev. Adam Empie, Rev. G. T. Bedell, and Duncan Cameron, Esq., were appointed a committee to attend the Lutheran Synod, and to carry the resolution into effect."

On the 17th of June, 1821, the Lutheran North Carolina Synod met at Lau's Church, Guilford County, and from its minutes the following is quoted:

"The President now reported that the Rev. R. J. Miller, who had labored for many years as one of our ministers, had been ordained by the Bishop of the Episcopal Church as a priest at a convention of that church; that he had always regarded himself as belonging to that church, but because the Episcopal Church had no existence at that time in this State, he had himself ordained by our ministry, with the understanding that he still belonged to the Episcopal Church. But as the said church had now reorganized itself (in this State), he had united himself with it, and thus disconnected himself from our Synod, as was allowed him at his ordination by our ministers. Rev. Miller then made a short address before Synod and the congregation then assembled, in which he distinctly explained his position, so that no one should be able to say that he had apostatized from our Synod, since he had been ordained by our Ministerium as a minister of the Episcopal Church. He then promised that he would still aid and stand by us as much and as far as lay in his power.

"With this explanation the whole matter was well understood by the entire assembly, and was deemed perfectly satisfactory. Whereupon it was resolved that the President tender to Rev. Miller our sincere thanks in the name of the Synod, for the faithful services he had hitherto rendered our church. This was immediately done in a feeling manner.

"After this a letter was read from Rev. Bishop Moore, addressed to our Synod, in which he reported to us that a committee was appointed by their Convention to attend our Synod with the view of making an effort towards a more intimate union between our respective bodies, whereupon the members of that committee presented themselves and submitted their credentials. Their names are Revs. Adam Empie, G. T. Bedell and Duncan Cameron, Esq. They were all affectionately received, and the following committee was appointed by our Synod to confer with our visiting brethren what possibly might be done towards a more intimate union, namely:

Revs. G. Shober, Michael Rauch, and Henry Ratz, Esq." The next day the following report was submitted and adopted :

"The committee of the Protestant Episcopal Church of North Carolina, and the committee on the part of the Lutheran Synod of North Carolina and adjacent States, having conferred on the subject of their respective appointments, have agreed on the following articles :

"I. *Resolved*, That we deem it expedient and desirable that the Lutheran Synod and the Protestant Episcopal Church of North Carolina should be united together in the closest bonds of friendship.

"II. *Resolved*, That for this purpose we will mutually make such concessions as may not be inconsistent with the rules and regulations of our respective churches, for the purpose of promoting a friendly intercourse.

"III. *Resolved*, That the Convention of the Protestant Episcopal Church may send a delegation of one or more persons to the annual Synod of the Lutheran Church, which person or persons shall be entitled to an honorary seat in that body, and to the privilege of expressing their opinions and voting in all cases except when a division is called for; in which case they shall not vote.

"IV. *Resolved*, That the Lutheran Synod may, in like manner, send a deputation to the Convention of the Protestant Episcopal Church, who, in all respects, shall be entitled to the same privileges.

"V. *Resolved*, That *all the ministers* of the Lutheran Church in union with the Synod shall be entitled to honorary seats in the Convention of the Protestant Episcopal Church; and the clergymen of the said last-mentioned church shall, in like manner, be entitled to honorary seats in the Synod of the Lutheran Church.

"The Committee respectfully recommend to the Convention of the Protestant Episcopal Church, and to the Synod of the Lutheran Church the adoption of the foregoing resolutions.

"G. SHOBER,

"MICHAEL RAUCH,

"HENRY RATZ,

*"Committee of the Lutheran Synod.*

"A. EMPIE,

"DUNCAN CAMERON,

*"Committee of the Protestant Episcopal Church."*

The report was adopted by Synod, and the following persons were elected to attend the next Convention of the Episcopal Church: Revs. G. Shober, Jacob Scherer, and Henry Ratz, Esq.

At the next Convention of the Episcopal Church, held in Raleigh, April 18th, 1822, the following action was taken in reference to this matter:

"The Rt. Rev. President of the Convention then read a letter from the Rev. Mr. Shober on the same subject, after which it was moved that the report be received, which was unanimously agreed to; it was then

*Resolved*, That the Secretary be required to address a letter to the President of the Lutheran Synod, informing him of the unanimous adoption of the above report.

"The following delegation to the Lutheran Synod was then appointed: Rev. Messrs. Miller, Davis, and Wright, of the clergy; Messrs. Alexander Caldcleugh, Duncan Cameron, and Dr. F. J. Hill, of the laity."

At the next meeting of the North Carolina Synod, three of the above delegation, "the Rev. R. J. Miller, the Rev. R. Davis, and Alexander Caldcleugh, Esq., appeared, were welcomed and took their seats with us.

"On information that the Protestant Episcopal Church will hold their next annual Convention for North Carolina in Salisbury, on the second Thursday after Easter, in the year 1823, the following persons were elected to attend the same, and there represent the Synod, namely: the Rev. G. Shober, the Rev. Daniel Scherer, Gen. Paul Barringer, and Colonel Ratz." All these delegates appeared at said Convention and attended its sessions.

After the year 1823 nothing more appears concerning the fraternal relations of these two ecclesiastical bodies, although this "bond of friendship" does not appear to have been revoked, nevertheless, the interchange of delegates, being attended with some difficulty in those days of traveling by private conveyance, fell practically into disuse.

#### CONDITION OF THE LUTHERAN CHURCH IN NORTH CAROLINA IN 1834.

During the three years which intervened between 1831 and 1834 very few changes occurred in the North Carolina Synod; the Rev.

John T. Tabler, a student from Gettysburg, became connected with the Synod and labored as pastor in Salisbury, but he remained there only one year, after which he removed to Virginia.

In 1832, the Rev. Henry Graeber resigned his charge in Lincoln County, and became the pastor of St. John's and Organ Churches, which had become vacant by the removal of Revs. D. Scherer and J. Kaempfer. In 1833, the Rev. Samuel Rothrock, having completed his studies at Gettysburg, returned to North Carolina, was licensed by Synod, and labored as missionary in several vacant churches for a short time, after which he became the pastor of Salisbury and Union Churches. The following year the Rev. Daniel Jenkins became connected with the North Carolina Synod; he came from "the State of Maryland, about the beginning of November, 1833, and expressing a desire to serve our church in this Southern section as a missionary," was licensed by the President of Synod "to preach in our destitute churches until the next session of the Ministerium."

The congregations in Lincoln County, having had no regular pastor of the North Carolina Synod since the removal of Rev. Graeber from their midst, and having been only occasionally visited by missionaries and other members of Synod, became eventually connected with the Tennessee Synod.

Concerning the state of the Church in 1834, the President of Synod reports: "The events of the past synodical year have become, in some measure, more encouraging than they have been for several years before. Those churches in our connection that could be regularly supplied, had not only a considerable increase since our last annual meeting, but are also generally in a prosperous condition. The gospel has been faithfully preached, and the holy ordinances regularly administered. There are still a goodly number of small but respectable congregations that are vacant, which, if they could be supplied with ministers, would add considerable strength to this weak but evangelical member of the Lutheran household of faith. Prospects have also appeared during the last year, of forming several new congregations."

During the year 1834 the Revs. Daniel Moser, Adam Miller, Jr., and Jacob Casner were laboring in Lincoln County, N. C.; the Rev. H. Goodman, in Iredell County, N. C.; the Rev. C. G. Reitzell, in Guilford County, N. C.; and Rev. J. N. Stirewalt, in Rowan County, N. C.

On the 27th of June, 1838, the Rev. Gottlieb Shober "departed

this life, after being confined for one day only, although for some years past his bodily health and native vigor of mind had been rapidly declining. At his death he was in the eighty-second year of his age. His life was spent in untired activity and useful labors until old age admonished him to seek retirement." In memory of his death, the North Carolina Synod passed the following resolutions:

"*Resolved*, That this Synod has heard with deep regret of the death of the Rev. Gottlieb Shober, who has, for many years, been an efficient and useful member of this body.

"*Resolved*, That this Synod will ever cherish with grateful remembrance, the active zeal and eminent services of *Father Shober*."

He was a native of Bethlehem, Pennsylvania, and, "at the time of his death, was the only survivor of those who had commenced the building of the town of Salem, N. C."

"In the spring of 1810, in company with Rev. Mr. Storch, he visited South Carolina, during which occasion he preached his first sermon." He was a member of the North Carolina Synod for a period of twenty-eight years.

During the five years preceding the meeting of the North Carolina Synod in 1840, the following additions were made to its clerical roll:

1. Rev. Edwin A. Bolles, a graduate of the Lexington, S. C., Theological Seminary, was licensed by the South Carolina Synod in 1835, and became pastor of the Lutheran Church in Salisbury, N. C., where he, however, remained but a short time, and removed to Ebenezer, Ga. He is laboring at present in South Carolina, as State Agent for the American Bible Society.

2. Rev. Benjamin Arey, from the Theological Seminary of Gettysburg, Pennsylvania, licensed by the North Carolina Synod in 1836, became at first located in Davidson County, and labored in various charges in the bounds of Synod, but finally located himself permanently in Iredell County, N. C.

3. Rev. John Swicegood, licensed at the same time, made his permanent home in Davidson County, but frequently labored in the counties adjoining. He departed this life September 9th, 1870, in the full triumphs of a Gospel faith.

4. Rev. Elijah Hawkins, a graduate of the Seminary at Lexington, S. C., became connected with the Synod in 1837 and labored in Wythe County, Virginia, to the close of a most useful life.

5. Rev. Philip A. Strobel likewise connected himself with the North Carolina Synod in 1837, having graduated at Lexington, S. C.,



in 1836; he labored for a short time as agent for the Seminary and then located himself in Concord, N. C. He did good service in the North Carolina Synod in establishing several new churches, and remained in Concord four years, when he returned to South Carolina.

6. Rev. Jacob Crim, from the Lexington Seminary, attached himself to the North Carolina Synod in 1838 and labored successively in Davidson, Rowan and Davie Counties. In 1869 he removed to the State of Texas, where he shortly afterwards was called to his rest.

7. Rev. John J. Greever, a "student of the Gettysburg Theological Seminary," was licensed by the North Carolina Synod in 1840.

8. Rev. N. Aldrich, a "student of divinity of the Episcopal Church at Bristol College, Pennsylvania," was licensed by the North Carolina Synod in 1840, remained only a few months at Concord, N. C., when he removed to Savannah, Georgia, and thence to St. Mark's Lutheran Church in Charlotte, N. C.

9. Rev. Gideon Scherer, "a student of the Theological Seminary at Lexington, S. C.," was licensed by the North Carolina Synod in 1840.

The following new congregations were organized and new church edifices erected in the Carolinas during the five years preceding 1840:

1. *Luther's Church*, in Rowan County, N. C., is first mentioned by that name in the minutes of 1830, but at what time the congregation was organized is not stated. The Rev. Jacob Kaempfer was its pastor in 1830.

2. *St. Enoch's Church*, in Rowan County, N. C., is a colony from the Sewitz's or Luther Chapel congregation, and was organized in 1836; it is not stated when their church edifice was erected; it was dedicated at some time during the fall of 1839.

3. *St. Paul's Church*, in Rowan County, N. C., is first mentioned in 1837, under the name of Holdshouser's Church, with Rev. S. Rothrock as its pastor. A new brick church has been recently erected and was dedicated July 21st, 1872.

4. *St. Stephen's Church*, Cabarrus County, N. C., was organized in 1837 by Rev. P. A. Strobel, who was its first pastor. It was received under the care of the North Carolina Synod in 1838.

5. *St. Matthew's Church*, Rowan County, N. C., sent a communication to the North Carolina Synod in 1838, "stating that they have regularly organized themselves into a congregation, and pray to be

received under the care of Synod; also, that they have chosen the Rev. B. Arey as their pastor."

6. *St. Matthew's congregation*, in Davie County, N. C., is first mentioned in 1839 in the minutes of the North Carolina Synod, when forty-three persons in that locality petitioned the Synod to send them a minister "to break unto them the bread of eternal truth, to baptize their children, and instruct their youth."

Two new church edifices were erected in old-established congregations during the year 1839, namely: St. Paul's Church, Orange (now Alamance) County, N. C., which was dedicated on the third Sunday in September, 1839; and Luther Chapel, in Rowan County, N. C., which was dedicated about the same time.

7. *St. Paul's Church*, Iredell County, N. C., and the above-named *St. Matthew's Church*, in Davie County, N. C., are mentioned in the minutes of the North Carolina Synod of 1840, as having "been regularly organized during the last synodical year," and were received, in 1840, under the care of Synod.

The North Carolina Synod in the number of its ministers became greatly reduced in 1842 by the organization of the Western Virginia Synod, at which time the North Carolina Synod became restricted within the limits of its own proper State boundary, whilst at the same time nearly one-half of the strength of the Lutheran Church in North Carolina is embraced in the Tennessee Synod.

The ministers who connected themselves with the North Carolina Synod since 1840 were the following:

*Rev. John D. Scheck*, of the South Carolina Synod, who became the pastor successively of the Salisbury, St. John's, Cabarrus County and the Alamance pastorates. During his ministry, and in 1845, the large brick St. John's Church, in Cabarrus County, was erected, and was dedicated August 22d, 1846. Its dimensions are eighty by fifty-five feet, and is at present the fifth house of worship which has been built for this congregation since the first settlement of Germans on Buffalo Creek, and was considered at the time the largest and most commodious house of worship in Western North Carolina.

*Rev. William G. Harter*, also from the South Carolina Synod, became the pastor of the Concord Church, whose history has already been mentioned.

*Rev. Joseph A. Linn*, a student both at Lexington, South Carolina, and Gettysburg, Pennsylvania, and licensed in 1844, became the pastor of the Gold Hill charge, in Rowan County, where he was

much beloved and generally useful to the Lutheran Church in North Carolina. His death was a sad one: returning home on Sunday from one of his churches he was thrown from his horse, which fractured his head, and he expired the following Wednesday, March 16th, 1864.

*Rev. J. B. Anthony* was received by the North Carolina Synod May 6th, 1844, and labored some twenty years in the bounds of the North and South Carolina Synods, but is at present residing in the State of Pennsylvania, as pastor of the York Sulphur Springs charge.

Revs. Fink, Coffman and Hopkins were added to the list of ministers successively in 1847, 1848 and 1849, but their names had soon to be stricken from the roll.

*Rev. Levi C. Groseclose*, a student from Lexington, S. C., and Gettysburg, Pennsylvania, was licensed in 1849 by the West Virginia Synod, and has been doing good service in the North Carolina Synod since 1850, being at present the pastor of the St. John's charge in Cabarrus County, N. C.













